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THURSDAY, SEPTEMBER 1, 1977

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DOT/OPSO	LABOR		DOT/OPSO	LABOR
	HEW/ADAMHA			HEW/ADAMHA
	HEW/CDC			HEW/CDC
	HEW/FDA			HEW/FDA
	HEW/HRA			HEW/HRA
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	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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In computing dates certain, the day after publication counts as one. All succeeding days are counted except that when a date certain falls on a weekend or holiday, it is moved forward to the next Federal business day. (See 1 CFR 18.17)

A new table will be published monthly in the first issue of each month.

Dates of FR publication	15 days after publication	30 days after publication	45 days after publication	60 days after publication	90 days after publication
September 1	September 16	October 3	October 17	October 31	November 30
September 2	September 19	October 3	October 17	November 1	December 1
September 6	September 21	October 6	October 21	November 7	December 5
September 7	September 22	October 7	October 25	November 7	December 6
September 8	September 23	October 11	October 25	November 7	December 7
September 9	September 26	October 11	October 25	November 8	December 8
September 12	September 27	October 12	October 27	November 11	December 12
September 13	September 28	October 13	October 28	November 14	December 12
September 14	September 29	October 14	October 31	November 14	December 13
September 15	September 30	October 17	October 31	November 14	December 14
September 16	October 3	October 17	October 31	November 15	December 15
September 19	October 4	October 19	November 3	November 18	December 19
September 20	October 5	October 20	November 4	November 21	December 19
September 21	October 6	October 21	November 7	November 21	December 20
September 22	October 7	October 25	November 7	November 21	December 21
September 23	October 11	October 25	November 7	November 22	December 22
September 26	October 11	October 26	November 10	November 25	December 27
September 27	October 12	October 27	November 11	November 28	December 27
September 28	October 13	October 28	November 14	November 28	December 27
September 29	October 14	October 31	November 14	November 28	December 28
September 30	October 17	October 31	November 14	November 29	December 29

AGENCY ABBREVIATIONS USED IN HIGHLIGHTS AND REMINDERS

(This List Will Be Published Monthly In First Issue Of Month.)

USDA—AGRICULTURE DEPARTMENT

AMS—Agricultural Marketing Service
ARS—Agricultural Research Service
ASCS—Agricultural Stabilization and Conservation Service
APHIS—Animal and Plant Health Inspection Service
CCC—Commodity Credit Corporation
CEA—Commodity Exchange Authority
CSRS—Cooperative State Research Service
EMS—Export Marketing Service
ERS—Economic Research Service
FmHA—Farmers Home Administration
FCIC—Federal Crop Insurance Corporation
FAS—Foreign Agricultural Service
FNS—Food and Nutrition Service
FSQS—Food Safety and Quality Service
FS—Forest Service
PSA—Packers and Stockyards Administration
RDS—Rural Development Service
REA—Rural Electrification Administration
RTB—Rural Telephone Bank
SCS—Soil Conservation Service

COMMERCE—COMMERCE DEPARTMENT

Census—Census Bureau
DIBA—Domestic and International Business Administration
EDA—Economic Development Administration
MA—Maritime Administration
MBE—Minority Business Enterprise Office
NBS—National Bureau of Standards
NFPCA—National Fire Prevention and Control Administration
NOAA—National Oceanic and Atmospheric Administration
NSA—National Shipping Authority
NTIS—National Technical Information Service
PTO—Patent and Trademark Office

DOD—DEFENSE DEPARTMENT

AF—Air Force Department
Army—Army Department
DCPA—Defense Civil Preparedness Agency
DIA—Defense Intelligence Agency
DLA—Defense Logistics Agency

Engineers—Engineers Corps
Navy—Navy Department

HEW—HEALTH, EDUCATION, AND WELFARE DEPARTMENT

ADAMHA—Alcohol, Drug Abuse, and Mental Health Administration
CDC—Center for Disease Control
FDA—Food and Drug Administration
HCFA—Health Care Financing Administration
HDSO—Human Development Services Office
HRA—Health Resources Administration
HSA—Health Services Administration
NIH—National Institutes of Health
OE—Office of Education
PHS—Public Health Service
RSA—Rehabilitation Services Administration
SSA—Social Security Administration

HUD—HOUSING AND URBAN DEVELOPMENT DEPARTMENT

CARF—Consumer Affairs and Regulatory Functions, Office of Assistant Secretary
CPD—Community Planning and Development, Office of Assistant Secretary
FDAA—Federal Disaster Assistance Administration
FHEO—Fair Housing and Equal Opportunity, Office of Assistant Secretary
FHC—Federal Housing Commissioner, Office of Assistant Secretary for Housing
FIA—Federal Insurance Administration
GNMA—Government National Mortgage Association
ILSRO—Interstate Land Sales Registration Office
NCA—New Communities Administration
NCDC—New Community Development Corporation
NVACP—Neighborhoods Voluntary Associations and Consumer Protection, Office of Assistant Secretary

INTERIOR—INTERIOR DEPARTMENT

BPA—Bonneville Power Administration
BIA—Bureau of Indian Affairs
BLM—Bureau of Land Management
FWS—Fish and Wildlife Service
GS—Geological Survey
MESA—Mining Enforcement and Safety Administration
Mines—Mines Bureau
NPS—National Park Service
OHA—Office of Hearings and Appeals
Reclamation—Reclamation Bureau
SMRE—Surface Mining Reclamation and Enforcement Office

JUSTICE—JUSTICE DEPARTMENT

DEA—Drug Enforcement Administration
INS—Immigration and Naturalization Service
LEAA—Law Enforcement Assistance Administration
NIC—National Institute of Corrections

LABOR—LABOR DEPARTMENT

BLS—Bureau of Labor Statistics
BRB—Benefits Review Board
ESA—Employment Standards Administration
ETA—Employment and Training Administration
FCCPO—Federal Contract Compliance Programs Office
LMSEO—Labor Management Standards Enforcement Office
OSHA—Occupational Safety and Health Administration
P&WBP—Pension and Welfare Benefit Programs
W&H—Wage and Hour Division

STATE—STATE DEPARTMENT

AID—Agency for International Development
FSGB—Foreign Service Grievance Board

DOT—TRANSPORTATION DEPARTMENT

CG—Coast Guard
FAA—Federal Aviation Administration
FHWA—Federal Highway Administration
FRA—Federal Railroad Administration
MTB—Materials Transportation Bureau
NHTSA—National Highway Traffic Safety Administration
OHMO—Office of Hazardous Materials Operations
OPSO—Office of Pipeline Safety Operations
SLS—Saint Lawrence Seaway Development Corporation
UMTA—Urban Mass Transportation Administration

TREASURY—TREASURY DEPARTMENT

ATF—Alcohol, Tobacco and Firearms Bureau
Customs—Customs Service
Comptroller—Comptroller of the Currency
ESO—Economic Stabilization Office (temporary)
FS—Fiscal Service
IRS—Internal Revenue Service
Mint—Mint Bureau
PDB—Public Debt Bureau
RSO—Revenue Sharing Office

INDEPENDENT AGENCIES

ATBCB—Architectural and Transportation Barriers Compliance Board
CAB—Civil Aeronautics Board
CASB—Cost Accounting Standards Board
CEQ—Council on Environmental Quality
CFTC—Commodity Futures Trading Commission
CITA—Textile Agreements Implementation Committee
CPSC—Consumer Product Safety Commission
CRC—Civil Rights Commission
CSA—Community Services Administration
CSC—Civil Service Commission
CSC/FPRAC—Federal Prevailing Rate Advisory Committee
EEOC—Equal Employment Opportunity Commission
EXIMBANK—Export-Import Bank of the U.S.
EPA—Environmental Protection Agency
ESSA—Endangered Species Scientific Authority
ERDA—Energy Research and Development Administration
FCC—Federal Communications Commission
FCSC—Foreign Claims Settlement Commission
FDIC—Federal Deposit Insurance Corporation
FEA—Federal Energy Administration
FHLBB—Federal Home Loan Bank Board
FPC—Federal Power Commission
FRS—Federal Reserve System
FTC—Federal Trade Commission
GSA—General Services Administration
GSA/ADTS—Automated Data and Telecommunications Service
GSA/FPA—Federal Preparedness Agency
GSA/FSS—Federal Supply Service
GSA/NARS—National Archives and Records Service
GSA/PBS—Public Buildings Service
ICC—Interstate Commerce Commission
ICP—Interim Compliance Panel (Coal Mine Health and Safety)
ITC—International Trade Commission
LSC—Legal Services Corporation
NASA—National Aeronautics and Space Administration
NCUA—National Credit Union Administration
NFAH/NEA—National Endowment for the Arts
NFAH/NEH—National Endowment for the Humanities
NLRB—National Labor Relations Board
NRC—Nuclear Regulatory Commission
NSF—National Science Foundation
NTSB—National Transportation Safety Board
OFR—Office of the Federal Register
OMB—Office of Management and Budget
OPIC—Overseas Private Investment Corporation
PADC—Pennsylvania Avenue Development Corporation
PRC—Postal Rate Commission
PS—Postal Service
RB—Renegotiation Board
RRB—Railroad Retirement Board
ROAP—Reorganization, Office of Assistant to President
SBA—Small Business Administration
SEC—Securities and Exchange Commission
TVA—Tennessee Valley Authority
USIA—United States Information Agency
VA—Veterans Administration
WRC—Water Resources Council

presidential documents

Memorandum of August 2, 1977

Comprehensive Review of Natural Resources and Environmental Programs

Memorandum for the Heads of Executive Departments and Agencies

THE WHITE HOUSE,
Washington, August 2, 1977.

I have directed my Reorganization Project staff at the Office of Management and Budget to review the organization of all Federal responsibilities for managing natural resources and protecting the environment.

These responsibilities are now dispersed among 8 Departments and numerous agencies, involving 160,000 employees and expenditures of more than $17 billion a year. Other Departments and agencies are involved less directly. There is no way to coordinate their policies and actions. This situation has led to difficulties in managing resources and safeguarding the environment; waste of time and money; confusion to the public; and ineffective coordination of geophysical and environmental research and technology.

This organizational review will seek better ways to set policy, make decisions about resource management and environmental quality, improve research and technical support, and assure consistency in programs.

Its success will depend on active participation by members of Congress, the Federal departments and agencies, State, local and regional officials, interested groups, and individual citizens.

Jimmy Carter

[FR Doc.77-25790 Filed 8-31-77;12:15 pm]

rules and regulations

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

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

Title 1—General Provisions

CHAPTER I—ADMINISTRATIVE COMMITTEE OF THE FEDERAL REGISTER

CFR CHECKLIST

1976/1977 Issuances

This checklist, prepared by the Office of the Federal Register, is published in the first issue of each month. It is arranged in the order of CFR titles, and shows the revision date and price of the volumes of the Code of Federal Regulations issued to date for 1976 and 1977. New units issued during the month are announced on the back cover of the daily FEDERAL REGISTER as they become available.

For a Checklist of current CFR volumes comprising a complete CFR set, see the latest issue of the Cumulative List of CFR Sections Affected, which is revised monthly.

The rate for subscription service to all revised volumes issued for 1977 is $350 domestic, $75 additional for foreign mailing.

Order from Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

CFR Unit (Rev. as of Jan. 1, 1977):

Title	Price
1	$1.65
2 [Reserved]	
3	3.00
4	3.25
5	4.70
7 Parts:	
0–45	5.30
46–51	4.20
52	5.20
53–209	5.80
210–699	6.10
700–749	4.10
750–899	1.80
900–944	4.25
945–980	2.40
981–999	2.50
1000–1059	4.25
1060–1119	4.40
1120–1199	3.20
1200–1499	4.20
1500–end	7.25
8	2.60
9	6.80
10 Parts:	
0–199	4.40
200–end	4.60
11 (Rev. 5/1/77)	2.30
12 Parts:	
1–299	7.40
300-end	7.30
13	4.20
14 Parts:	
1–59	6.00
60–199	5.10
200–1199	6.20
1200–end	2.20
15	5.35
16 Parts:	
0–149	$5.50
150–999	4.25
1000–end	3.00
CFR Unit (Rev. as of April 1, 1977):	
17	6.75
18 Parts:	
1–149	4.25
150–end	4.00
19	5.75
20 Parts:	
01–399	3.25
400–499	5.00
500–end	4.00
21 Parts:	
1–99	3.25
100–199	4.75
200–299	2.10
300–499	5.00
500–599	4.00
600–1299	3.50
1300–end	4.25
23	5.50
24 Parts:	
0–499	5.00
500–end	5.25
26 Parts:	
1 (§§ 1.301–1.400)	3.75
1 (§§ 1.501–1.640)	4.00
30–39	4.35
300–499	4.35
600–end	2.40
CFR Unit (Rev. as of July 1, 1976):	
28	3.10
29 Parts:	
0–499	7.30
500–1899	5.50
1900–1919	7.55
1920–end	4.05
30	4.80
31	5.65
32 Parts:	
1–39 (V.I) (Rev. 11/1/75)	5.80
(V.II) (Rev. 11/1/75)	7.40
(V.III) (Rev. 11/1/75)	5.10
40–399	6.50
400–589	5.20
590–699	3.10
700–799	7.85
800–999	6.05
1000–1399	2.20
1400–1599	3.65
1600-end	1.95
32A	2.90
33 Parts:	
1–199	6.20
200-end	5.85
34	1.00
35	3.50
36	3.40
37	2.20
38	7.20
39	2.75
40 Parts:	
0–49	3.15
50–59	6.80
60–99	5.70
100–399	4.50
400-end	6.70
41 Chapters:	
1–2	5.70
3–6	5.90
7	$1.85
8	1.80
9	4.35
10–17	4.15
18–100	3.55
101-end	6.80
CFR Index	3.20
CFR Unit (Rev. as of Oct. 1, 1976):	
42	5.95
43 Parts:	
1–999	3.10
1000–end	6.00
44 [Reserved]	
45 Parts:	
1–99	3.45
100–199	10.00
200–499	3.15
500–end	6.40
46 Parts:	
1–29	2.15
30–40	2.20
41–69	4.00
70–89	2.10
90–109	1.95
110–139	1.90
140–165	4.00
166–199	2.65
200–end	7.25
47 Parts:	
0–19	3.80
20–69	5.00
70–79	4.90
80-end	6.20
48 [Reserved]	
49 Parts:	
1–99	2.05
100–199 (Rev. 12/31/76)	6.50
200–999	7.55
1000–1199	3.95
1200–1299	7.40
1300-end	3.60
50	4.20

Title 7—Agriculture

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

[Valencia Orange Regulation 571]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of California-Arizona Valencia oranges that may be shipped to fresh market during the weekly regulation period Sept. 2–8, 1977. This regulation is needed to provide for orderly marketing of fresh Valencia oranges for the regulation period because of the production and marketing situation confronting the orange industry.

EFFECTIVE DATE: September 2, 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: *Findings.* (1) Pursuant to the amended marketing agreement and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the amended marketing agreement and order, and upon other available information, it is found that the limitation of handling of Valencia oranges, as provided in this regulation will tend to effectuate the declared policy of the act.

(2) The need for this regulation to limit the quantities of Valencia oranges that may be marketed from District 1, District 2, or District 3 during the specified week stems from the production and marketing situation confronting the Valencia orange industry.

(i) The committee has submitted its recommendation for the quantities of Valencia oranges that should be marketed during the specified week. The recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors covered in the order. The committee further reports the fresh market demand for Valencia oranges continues easy.

Average f.o.b. price was $4.58 per carton on 515 cars for the week ended August 25, as compared with $4.59 per carton on 613 cars the previous week. Track and rolling supplies at 246 cars were down 58 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the quantities of Valencia oranges which may be handled should be established as provided in this regulation.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this regulation until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553), because the time intervening between the date when information become available upon which this regulation is based and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient. A reasonable time is permitted for preparation for such effective time; and good cause exists for making the regulation effective as specified. The committee held an open meeting during the current week, after giving due notice, to consider supply and market conditions for Valencia oranges and the need for regulation. Interested persons were afforded an opportunity to submit information and views at this meeting. The recommendation and supporting information for regulation during the period specified were promptly submitted to the Secretary after the meeting was held, and information concerning such provisions and effective time has been provided to handlers of Valencia oranges. It is necessary, to effectuate the declared policy of the act, to make this regulation effective during the period specified. The committee meeting was held on August 30, 1977.

§ 908.871 Valencia Orange Regulation 571.

(a) Order. (1) The quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period September 2, 1977, through September 8, 1977, are hereby fixed as follows:

(i) District 1: 234,000 cartons;

(ii) District 2: 366,000 cartons;

(iii) District 3: Unlimited.

(2) As used in this section, "handled", "District 1", "District 2", "District 3", and "carton" have the same meaning as when used in the amended marketing agreement and order.

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

Dated: August 31, 1977.

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

[FR Doc.77-25774 Filed 8-31-77;11:22 am]

[Pear Reg. 7, Amdt. 2]

PART 917—FRESH PEARS, PLUMS, AND PEACHES GROWN IN CALIFORNIA

Grade, Size and Container Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This amendment continues current minimum grade, size, and container requirements for shipments of fresh Bartlett and Max-Red (Max-Red and Red Bartlett) varieties of pears grown in California through July 31, 1978. The amendment takes into consideration the marketing situation facing the California pear industry, and is necessary to assure that shipments of pears will be of suitable quality and size in the interest of consumers and producers.

EFFECTIVE DATE: September 1, 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: On August 8, 1977, notice was published in the FEDERAL REGISTER (42 FR 39989; 42691), that the Department was considering an amendment of § 917.445 Pear Regulation 7, which would continue for the period September 1, 1977, through July 31, 1978, grade, size, and container requirements currently in effect through August 31 1977. The regulation is effective under the marketing agreement, as amended, and Order No. 917, as amended (7 CFR Part 917), regulating the handling of fresh pears, plums, and peaches grown in California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The notice provided that all written comments in connection with the proposed amendment be submitted not later than August 23, 1977. None were received. On August 29, 1977, Pear Regulation 7, Amendment 1 was issued, increasing the amount of size 165 pears which could be shipped to 17.647 percent.

The grade and size requirements are designed to permit shipment of ample supplies of fruit of acceptable grades and sizes in the interest of both growers and consumers. The container requirements are necessary to assure that containers are properly marked as to variety, and that the fruit contained therein is protected during transit. The amendment is consistent with the objectives of the act of promoting orderly marketing and protecting the interest of consumers.

After consideration of all relevant matter presented, including the proposal set forth in the notice, the recommendations and information submitted by the Pear Commodity Committee, established under the amended marketing agreement and order, and other available information, it is found that the limitation of handling of pears, as provided, will tend to effectuate the declared policy of the act.

It is further found that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of such pears are currently in progress and this amendment should be applicable to all such pear shipments in order to effectuate the declared policy of the act; (2) this amendment is necessary to extend regulations currently in effect for the balance of the season; (3) notice of this proposed amendment allowing 15 days for public comment was published in the FEDERAL REGISTER; (4) compliance with this amendment will not require any special preparation on the part of the persons subject thereto which cannot be completed by September 1, 1977; and (5) the regulation currently in effect was recommended by the Pear Commodity Committee during an open meeting at which all interested persons were afforded an opportunity to submit their views.

The provisions of § 917.445 Pear Regulation 7 (42 FR 35937) are amended to read as follows:

§ 917.445 Pear Regulation 7.

(a) During the period September 1, 1977, through July 31, 1978, no handler shall ship:

(1) Bartlett or Max-Red (Max-Red Bartlett, Red Bartlett) varieties of pears which do not grade at least U.S. Combination with not less than 85 percent by count, of the pears grading at least U.S. No. 1;

(2) Any box or container of Bartlett or Max-Red (Max-Red Bartlett, Red Bartlett) varieties of pears unless such pears are of a size not smaller than the size known commercially as size 150: *Provided,* That a handler may ship, during any day from any shipping point, a quantity of such pears which are smaller than the size known commercially as size 150 if (i) such smaller pears are not smaller than the size known commercially as size 165, and (ii) the quantity of such smaller pears shipped from such shipping point does not, at the end of any day during the aforesaid period, exceed 17.647 percent of such handler's total shipments of such pears, shipped from the same shipping point, which are not smaller than the size known commercially as size 150;

(3) Any box or container of Bartlett or Max-Red (Max-Red Bartlett, Red Bartlett) varieties of pears unless such box or container is stamped or otherwise marked in plain sight and in plain letters, on one outside end with the name of the variety; and

(4) Any box or container of Bartlett or Max-Red (Max-Red Bartlett, Red Bartlett) varieties of pears in volume fill cartons (not packed in rows and not wrap packed) unless (i) such cartons are well filled with pears fairly uniform in size; (ii) Such pears are packed fairly tight; (iii) there is an approved top pad in each carton that will cover the fruit with no more than ¼ inch between the pad and any side or end of the carton; and (iv) the top of the carton shall be securely fastened to the bottom: *Provided,* That 10 percent of the cartons in any lot may fail to meet the requirements of this paragraph.

(b) *Definitions.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order.

(2) "Size known commercially as size 150" means a size of pear that will pack a standard pear box, packed in accordance with the specifications of a standard pack, with 150 pears and that a 12-pound random sample, representative of the size of the pears in the box or container, contains not more than 39 pears.

(3) "Size known commercially as size 165" means a size of pear that will pack a standard pear box, packed in accordance with the specifications of a standard pack, with 165 pears and that a 12-pound random sample representative of the size of the pears in the box or container, contains not more than 43 pears.

(4) "Standard pear box" means the container so designated in Section 1380.9 of the Regulations of the California Department of Food and Agriculture.

(5) "U.S. No. 1", "U.S. Combination" and "standard pack" shall have the same meaning as when used in the U.S. Standards for Pears (Summer and Fall) 7 CFR 51.1260–51.1280.

(6) "Approved top pad" shall mean a pad of wood-type excelsior construction, fairly uniform in thickness, weighing at least 160 pounds per 1,000 square feet (e.g., an 11 inch by 17 inch pad will weigh at least 21 pounds per 100 pads) or an equivalent made of material other than wood excelsior approved by the committee.

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

Dated, August 29, 1977, to become effective September 1, 1977.

CHARLES R. BRADER,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.77-25688 Filed 8-31-77;8:45 am]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS, PURCHASES AND OTHER OPERATIONS

PART 1438—NAVAL STORES

Subpart—1977 Gum Naval Stores Purchase Program

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Final Rule.

SUMMARY: This rule provides producers with the detailed operating provisions of the 1977 Naval Stores Purchase Program. These provisions provide guidelines which will enable the producer to regulate the size of his harvest after April 1, 1977 (the trees are prepared during the winter months), in line with the level of encouragement provided by the program. This rule will enable producers to obtain price support on 1977 crop gum naval stores.

EFFECTIVE DATE: April 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Charlie B. Robbins, (ASCS), (202) 447-4634, P.O. Box 2415, Washington, D.C. 20013.

SUPPLEMENTARY INFORMATION: The previous program regulations, applicable to 1976 crop gum naval stores, published at 41 FR 133, provided for a loan and purchase program. These regulations contain provisions relating only to a purchase program. It is essential that these provisions be made effective as soon as possible as the harvest season began on April 1, 1977. Accordingly, it is hereby found and determined that compliance with the notice, public participation procedure and effective date provisions of 5 U.S.C. 553 is impracticable and contrary to the public interest. Therefore, these regulations are issued without compliance with such procedure.

FINAL RULE

Accordingly, 7 CFR 1438.1636 through 1438.1660 and the title of the subpart are revised to read as follows, effective as to 1977 crop gum naval stores. The material previously appearing in this subpart remains in full force and effect as to the crop years to which it was applicable.

Subpart—1977 Gum Naval Stores Purchase Program

Sec.

1438.1636 General statement.
1438.1637 Administration.
1438.1638 Eligible producer.
1438.1639 Eligible naval stores.
1438.1640 Warehouse receipts.
1438.1641 Eligibility requirements.
1438.1642 Restriction in use of agents.
1438.1643 Availability.
1438.1644 Approved storage.
1438.1645 Warehouse charges.
1438.1646 Applicable forms.
1438.1647 Liens.
1438.1648 Delivery charges.
1438.1649 Setoffs.
1438.1650 Determination of quantity and quality.
1438.1651 Advances by ATFA.
1438.1652 Settlement.
1438.1653 Personal liability.
1438.1654 Charges not to be assumed by CCC.
1438.1655 Haidling payments and collections not exceeding $3.
1438.1656 Death, incompetency, or disappearance.
1438.1657 Support rates.
1438.1658 Management of CCC owned inventory.
1438.1659 Definitions.
1438.1660 Prairie Village ASCS Commodity Office and ASCS Data Systems Field Office.

AUTHORITY: Sec. 4, 5, 62 Stat. 1070, 1072 (15 U.S.C. 714 b, c); secs. 301, 401, 63 Stat. 1053, 1054 (7 U.S.C. 1421, 1447).

Subpart—1977 Gum Naval Stores Purchase Program

§ 1438.1636 General statement.

This subpart contains the regulations which set forth the requirements with respect to a purchase program for the 1977 crop gum naval stores. Price support will be made available through purchases of eligible gum rosin from individual producers and the American Turpentine Farmers Association Cooperative (hereinafter referred to as "ATFA"). ATFA may sell to CCC any or all eligible gum rosin acquired from eligible members by delivering the gum rosin to CCC. An eligible producer may sell to CCC any or all of his eligible gum rosin by delivering the gum rosin to CCC. As used in this subpart, "CCC" means the Commodity Credit Corporation and "ASCS" means the Agricultural Stabilization and Conservation Service of the U.S. Department of Agriculture.

§ 1438.1637 Administration.

(a) *Responsibility.* The Grains, Oilseeds and Cotton Division, ASCS, will administer this subpart under the general direction and supervision of the Deputy Administrator, Programs, in accordance with program provisions and policy determined by the CCC Board of Directors and the Executive Vice President, CCC. In the field, this subpart will be administered by the State and County Agricultural Stabilization and Conservation Committees (hereinafter called "State Committee" and "County Committee"), Prairie Village ASCS Commod-

ity Office (PVCO), and the ASCS Data Systems Field Office (DSFO).

(b) *Documents.* Any member of the county committee, the county executive director, or other employee of the county ASCS office designated by the county executive director to act in his behalf is authorized to approve documents in accordance with the provisions of this program except where otherwise specified in this subpart. Any such designation shall be in writing and a copy thereof shall be on file in the county office.

(c) *Limitation of authority.* The authority conferred by this subpart to administer the naval stores purchase program does not include authority to modify or waive any of the provisions of this subpart.

(d) *State committee.* The State committee may take any action which is authorized or required by this subpart to be taken by the county committee but which has not been taken by such committee. The State committee may also (1) correct or require a county committee to correct any action which was taken by such county committee but which is not in accordance with this subpart or (2) require a county committee to withhold taking any action which is not in accordance with this subpart.

(e) *Executive Vice President, CCC.* No delegation of authority herein shall preclude the Executive Vice President, CCC, or his designee, from determining any question arising under this subpart or from reversing or modifying any determination made pursuant to a delegation of authority in this subpart.

§ 1438.1638 Eligible producer.

(a) *Producer.* An eligible producer shall be a producer who (1) is a participant in the Naval Stores Conservation Program for 1977 or otherwise follows one or more forestry conservation practices established by State and Federal Forestry services, and (2) has made satisfactory arrangements to pay any indebtedness to the U.S. Department of Agriculture or any of its agencies, as evidenced by the debt records maintained by the Agricultural Stabilization and Conservation County Committees of the U.S. Department of Agriculture.

(b) *Estates and trusts.* A receiver of an insolvent debtor's estate, an executor or an administrator of a deceased person's estate, a guardian of an estate, a ward, or an incompetent person, and trustee of a trust estate will be considered to represent the insolvent debtor, the deceased person, the ward or incompetent person, and the beneficiary of a trust respectively, and the production of the receiver, executor, administrator, guardian, or trustee shall be considered to be the production of the person he represents. Purchase documents executed by such legal representative will be accepted by CCC only if they are legally valid and such person has the authority to sign the applicable documents.

(c) *Minors.* A minor who is otherwise an eligible producer shall be eligible for price support only if he meets one of the following requirements: (1) The right of majority has been conferred on him by court proceedings or statute; (2) a guardian has been appointed to manage his property and the applicable price support documents are signed by the guardian; (3) any agreement signed by the minor is cosigned by a financially responsible person; or (4) a bond is furnished under which a surety guarantee to protect CCC from any loss incurred for which the minor would be liable had he been an adult.

(d) *Approved by county committee.* If a producer has been convicted of a criminal act or has made a misrepresentation in connection with any price support program, the producer may be denied price support until the county committee is satisfied that CCC will be fully protected against any possible loss other than the loss assumed by CCC under the regulations in this subpart.

§ 1438.1639 Eligible naval stores.

Naval stores must meet the requirements of this section, in addition to other applicable eligibility requirements of this subpart and the applicable annual supplement thereto, in order to be eligible for delivery under purchase.

(a) *Oleoresin.* "Eligible oleoresin" means crude pine gum (oleoresin) which was produced in 1977 in the United States by an eligible producer.

(b) *Rosin.* "Eligible rosin" means gum rosin which: (1) Was processed by the Olustee or a similar method from eligible oleoresin; (2) grades "K" or better; (3) is packed one grade to a net weight of 517 pounds in eligible metal drums; (4) is transparent and free from visible foreign materials; and (5) contains no extraneous matter resulting from chemical or other treatment of the rosin or of the oleoresin or trees from which it came; and (6) conforms as to softening point to not less than Federal Specifications LLL–R–626b to wit: 158° Fahrenheit (American Society for Testing and Materials Method No. E–28–67N).

(c) *Federal inspection.* All gum rosin tendered for purchase must be federally graded, inspected and weighed or the weight checked by Federal Inspectors employed or licensed by CCC.

(d) *Metal drums.* "Eligible metal drums" means metal drums constructed in accordance with the following requirements:

(1) Prime, zinc coated galvanized steel sheets.

(2) Body, head and bottom a minimum gauge of 29.

(3) Minimum zinc coating (Hot dip ATSM designation A 525—latest revision), coating class C–60 and a minimum check limit triple-spot test of .60 ounce per square foot.

(4) Straight side construction with approximate outside dimensions of: (i) Diameter 22⅝ inches by (ii) height at chimes of 35$^{2}_{5}$ inches.

(5) A collapsible cone head with a liquid capacity of 12 to 15 quarts, a center hole with a diameter of 3¼ to 6½ inches with a ¼ inch side flange equipped with a friction cap flanged to match and fit securely over the center flange.

(6) The bottom shall be slightly convex or "dished", and

(7) The seams shall be one vertical straight ⅜ inch hook-type along the side and ¼ double horizontal on each end.

§ 1438.1640 Warehouse receipts.

(a) *General.* Warehouse receipts representing gum rosin to be delivered to CCC for purchase must meet the requirements of this section and any other requirements contained in the regulations in this subpart. A separate warehouse receipt must be submitted for each grade of gum rosin.

(b) *Manner of issuance and endorsement.* Warehouse receipts must be issued in the name of ATFA or the producer and properly endorsed in blank so as to vest title in the holder. Receipts must be issued by an approved warehouse, must be negotiable, must cover eligible gum rosin actually in storage in the warehouse and must be registered or recorded with appropriate State or local officials when required by State law.

(c) *Entries.* Each warehouse receipt must show:

(1) Number of containers;
(2) Gross weight;
(3) Net weight; and
(4) Grade.

§ 1438.1641 Eligibility requirements.

(a) *Requesting price support.* To obtain price support on eligible gum rosin: (1) ATFA must notify the county ASCS office of the county in which its principal office is located of its intention to sell eligible gum rosin by completing a Purchase Agreement (Form CCC–614), no later than December 31, 1977; and (2) An eligible producer must notify the county ASCS office of the county of his residence of his intention to sell eligible rosin by completing a Purchase Agreement (Form CCC–614), no later than December 31, 1977.

(b) *Beneficial interest.* To be eligible for price support, the beneficial interest in the gum rosin must be in the producer tendering it for purchase and must have always been in him, or in him and a former producer whom he succeeded as producer before the oleoresin was harvested: *Provided,* That, when a producer's eligible oleoresin is commingled in the processing operation with oleoresin produced in the United States by other producers, the rosin credited to the producer as representing the processed equivalent of his eligible oleoresin will be deemed to be, if otherwise eligible, eligible rosin produced by such producer: *And provided further,* That heirs who succeed to the beneficial interest of a deceased producer shall be eligible for price support as producers whether such succession occurs before or after harvest of the oleoresin. A producer shall not be considered to have divested himself of the beneficial interest in the gum rosin if he enters into a contract to sell or gives an option to sell his rosin if, under the contract or option, he retains control, risk of loss, and title to the rosin subject to such agreement, and retains control of its production. For purchases made from

ATFA, the beneficial interest in the gum rosin must always have been in the producer members who delivered the gum rosin to ATFA or must have always been in them and former producers whom they succeeded before the oleoresin was harvested, except as provided in the case of heirs of a deceased producer. Gum rosin acquired by ATFA shall not be eligible for price support if the producer members who delivered the gum rosin to ATFA do not retain the right to share in the proceeds from the marketing of the gum rosin as provided in Part 1425 of this chapter.

(c) *Succession of interest.* To meet the requirements of sucession to a former producer, the rights, responsibilities, and interest of the former producer, with respect to production and harvest of oleoresin, shall have been substantially assumed by the person claiming succession. Mere purchase of the oleoresin prior to processing, without acquisition of any additional interest in the production unit, shall not constitute sucession of interest.

(d) *Doubtful cases.* Any producer or association in doubt as to whether his interest in the gum rosin complies with the requirements of this section should, before requesting price support, make available to the county committee all pertinent information which will permit a determination to be made by CCC.

§ 1438.1642 Restriction in use of agents.

Individual producers or ATFA shall not delegate to any person, (or his representative) who has any interest in storing, processing, or merchandising gum rosin, authority to exercise on their behalf any of the rights or privileges under this program or any instrument executed in obtaining price support under this program, unless the person (or his representative) to whom authority is delegated is serving in the capacity of a farm manager for the producer. Any delegation of authority given in violation of this section shall be without force and effect and shall not be recognized by CCC.

§ 1438.1643 Availability.

(a) *Where to request price support.* (1) ATFA shall request price support at the county ASCS office of the county where its office is located, and (2) producers shall request price support at the county ASCS office of the county of their residence.

(b) *Availability date.* The final availability date applicable to purchases will be December 31, 1977.

(c) *Quantity eligible for purchase.* (1) ATFA may sell to CCC any or all of its eligible gum rosin: *Provided,* That, ATFA notifies the county ASCS office of its intention to sell its eligible gum rosin by completing a Purchase Agreement (Form CCC–614), indicating the approximate quantity of gum rosin it will sell to CCC, no later than the availability date specified herein. (2) An individual producer may sell to CCC any or all of his eligible gum rosin: *Provided,* That, he notifies the county ASCS office of his intention to sell his eligible gum rosin by completing a Purchase Agreement (Form CCC–614), indicating the approximate quantity of gum rosin he will sell to CCC, no later than the availability date specified herein.

(d) *Delivery.* Delivery points for purchases shall be limited to those approved by the Grains, Oilseeds and Cotton Division, ASCS. Purchases will not be made of gum rosin not stored in approved warehouses. The producer or ATFA offering gum rosin for purchase which is not stored in an approved warehouse shall be responsible for delivery to an approved warehouse before CCC will accept delivery for purchase. Delivery instructions issued by the County ASCS office will specify the warehouse to which gum rosin not stored in approved warehouses shall be delivered for purchase.

§ 1438.1644 Approved storage.

Purchases will be made by CCC only if the gum rosin is in the custody of an approved warehouse.

§ 1438.1645 Warehouse charges.

Prior to the time that the gum rosin is acquired by CCC, storage, inspection, and all other charges (except receiving and loading out charges in the warehouse in which the gum rosin is acquired by CCC) accruing through the final availability date shall be paid or arranged for. CCC will assume warehouse storage charges accruing after the gum rosin is acquired by CCC.

§ 1438.1646 Applicable forms.

The forms for use in connection with this program shall be as follows: Form CCC–614, Purchase Agreement; Form CCC–679, Lien Waiver; Form CCC–691, Commodity Delivery Notice; Form CCC-692, Settlement Statement; and such other forms as may be prescribed by CCC. These forms may be obtained in State and county ASCS offices and from the Grains, Oilseeds and Cotton Division, ASCS.

§ 1438.1647 Liens.

If there are any liens or encumbrances on the gum rosin, waivers that will fully protect the interest of CCC must be obtained even though the liens or encumbrances are satisfied from the purchase proceeds.

§ 1438.1648 Delivery charges.

A delivery charge of 1 cent per hundredweight shall be paid by producers on the quantity of gum rosin delivered to CCC.

§ 1438.1649 Setoffs.

(a) *Facility and drying equipment.* If any installments on any loan made by CCC on farm storage facilities and drying equipment are due and payable under the provisions of the note evidencing such loan out of any amount due the producer under these regulations, the amount due the producer, after deduction of applicable fees and charges and amounts due prior lienholders, shall be applied to such installment(s).

(b) *Producers listed on claims control record.* If a producer is indebted to CCC or to any other agency of the United States and such indebtedness is listed on the claims control record, amounts due the producer under the program provided in this subpart, after deduction of amounts payable on farm storage facilities or drying equipment and other amounts provided in paragraph (a) of this section, shall be applied as provided in the Secretary's Setoff Regulations, Part 13 of this title to such indebtedness.

(c) *Producer's right.* Compliance with the provisions of this section shall not deprive the producer of any right he might otherwise have to contest the justness of the indebtedness involved in the setoff action either by administrative appeal or by legal action.

§ 1438.1650 Determination of quantity and quality.

(a) *Quantity for purchase.* The quantity of eligible gum rosin acquired by CCC shall be the net weight shown on the warehouse receipt.

(b) *Quality for settlement.* Settlement for eligible gum rosin acquired by CCC shall be made on the basis of the grade shown on the warehouse receipt.

§ 1438.1651 Advances by ATFA.

ATFA will make advances to eligible producers, on eligible rosin or the rosin content of eligible oleoresin, based on the support level of $63.30 per standard barrel (435 lbs. net weight each) or oleoresin, processed basis, less allowable retains. Only eligible rosin on which such advances have been made to producers by ATFA will be eligible for ATFA to tender to CCC for purchase.

§ 1438.1652 Settlement.

(a) General. Except as provided in § 1438.1653 and paragraph (b) of this section, settlement for eligible gum rosin acquired by CCC will be made on the basis of the quantity and grade of such gum rosin as provided in this section and other applicable provisions of this subpart. The settlement value of gum rosin shall be the sum of the support rate for each grade acquired times the quantity acquired at the time of settlement.

(b) *Approved warehouse storage.* Settlement for gum rosin stored in an approved warehouse and acquired by CCC shall be made on the basis of the net weight and grade shown on the warehouse receipt.

(c) *Payments of amount due.* Payment of amount due on purchases will be made by draft drawn on CCC by the county office.

(d) *Ineligible gum rosin inadvertently accepted by CCC.* If ineligible gum rosin is inadvertently accepted by CCC, the settlement value shall be the lower of the market value, as determined by CCC, as of the date of delivery or the support price. The provisions of § 1438.1653 shall be applicable to settlement on ineligible gum rosin where there has been a fraudulent representation on the part of ATFA or any individual producer.

§ 1438.1653 Personal liability.

(a) *Fraud.* If ATFA or a producer makes a fraudulent representation in a price support purchase by CCC or in price support purchase documents, the producer or ATFA shall be personally liable,

aside from any additional liability under criminal or civil fraud statutes, for any loss which CCC sustains upon the gum rosin delivered under the purchase. For the purpose of this program such loss shall be deemed to be the price paid on the gum rosin delivered under the purchase program, plus all costs sustained by CCC in connection with the gum rosin together with interest on such amounts, less the lowest of the following: The market value, as determined by CCC, as of the close of the market on the date of delivery; the sales price of the gum rosin, if the rosin is sold in order to determine its market value; or CCC's purchase price.

(b) *Overdisbursement.* If the amount disbursed exceeds the price support value of the gum rosin upon settlement, determined as authorized under this subpart, the ATFA or producer receiving the overdisbursement shall be personally liable for the repayment of the amount of such excess.

§ 1438.1654 Charges not to be assumed by CCC.

CCC will not assume any charges for administrative and operating expense of ATFA or for insurance, storage, packaging and processing charges incurred by ATFA or individual producers.

§ 1438.1655 Handling payments and collections not exceeding $3.

In order to avoid administrative costs of making small payments and handling small accounts, amounts of $3 or less which are due the producer or ATFA will be paid only upon his request. Deficiencies of $3 or less, may be disregarded unless demand for payment is made by CCC.

§ 1438.1656 Death, incompetency, or disappearance.

In case of death, imcompetency, or disappearance of any producer who is entitled to the payment of any sum in settlement of a purchase payment shall, upon proper application to the county office which made the purchase, be made to the persons who would be entitled to such producer's payment under the regulations contained in Part 707 of this title—Payments Due Persons Who Have Died, Disappeared, or Have Been Declared Incompetent.

§ 1438.1657 Support rates.

The 1977 crop gum rosin purchase rates per hundredweight, packed in eligible metal drums and stored in the custody of an approved warehouse are:

Grade:	*Purchase rate*
X	$17.50
WW	17.50
WG	16.75
N	16.35
M	15.95
K	15.50

§ 1438.1658 Management of CCC owned inventory.

In the event CCC acquires gum rosin under the price support program and enters into an agreement with ATFA to manage such inventory, CCC will reimburse ATFA for the administrative and operating expenses, approved by CCC, incurred by ATFA in the handling and preservation of such gum rosin.

§ 1438.1659 Definitions.

As used in the regulations in this subpart and in all instructions, forms and documents in connection therewith, the words and phrases listed in this section shall have the meaning assigned to them herein unless the context or subject matter otherwise requires.

(a) *General.* The following phrases: "State committee" and "county committee" shall each have the same meaning as the definitions of such term in the regulations pertaining to Reconstitution of Farms and Allotments, Part 719 of this title and any amendments thereto.

(b) *Settlement value.* The term "settlement value" means the value at which settlement is made on the gum rosin offered for purchase, as determined under the provisions of the regulations in this part.

(c) *Charges.* The term "charges" means all fees, costs, and expenses incident to insuring, carrying, handling, storing, conditioning, and marketing gum rosin.

(d) *The regulations in this subpart.* The term "the regulations in this subpart" means the regulations in Subpart—1977 Gum Naval Stores Purchase Program together with any supplements and amendments thereto.

(e) *Request price support.* The term "request price support" means the execution of a Purchase Agreement (Form CCC–614).

§ 1438.1660 Prairie Village ASCS Commodity Office and ASCS Data Systems Field Office.

The PVCO serves all States for naval stores. Accounting, recording and reporting for all States will be handled through the DSFO, Post Office Box 205, Kansas City, Missouri 64141.

NOTE.—It is hereby certified that the economic effects of this action have been carefully evaluated in accordance with Executive Order 11921 and OMB Circular A–107.

Signed at Washington, D.C., on August 25, 1977.

RAY FITZGERALD,
Executive Vice President,
Commodity Credit Corporation.

[FR Doc.77–25608 Filed 8–31–77;8:45 am]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS AND GRANTS PRIMARILY FOR REAL ESTATE PURPOSES

[FmHA Instruction 444.4]

PART 1822—RURAL HOUSING LOANS AND GRANTS

Subpart C—Farm Labor Housing Loan Policies, Procedures, and Authorizations

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration is deleting the provision in its regulation which requires funds included in the loan for payment of interest to be collected and applied as a regular payment at the time of the loan closing. This action is being taken since this provision is inconsistent with the promissory note.

EFFECTIVE DATE: This revision is effective September 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. Paul R. Conn, 202–447–7207.

SUPPLEMENTARY INFORMATION:

§ 1822.75 [Amended]

In § 1822.75(c)(5) of Subpart C, Part 1822, Title 7, Code of Federal Regulations (31 FR 14148, 42 FR 4407) the second sentence is deleted. The sentence to be deleted reads as follows: "Any funds included in the loan for the payment of interest will be collected and applied as a regular payment at the time of loan closing." 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 deletion, however, is not published for proposed rulemaking since the purpose of the change is to correct a current inconsistency in the regulation and any delay would be contrary to the public interest.

(42 U.S.C. 1480; delegation of authority by the Sec. of Agri., 7 CFR 2.23; delegation of authority by the Asst. Sec. 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 an Economic Impact Statement under Executive Order 11821 and OMB Circular A–107.

Dated: August 23, 1977.

GORDON CAVANAUGH,
Administrator,
Farmers Home Administration.

[FR Doc.77–25540 Filed 8–31–77;8:45 am]

SUBCHAPTER G—MISCELLANEOUS REGULATIONS

[FmHA Instruction 440.3]

PART 1888—SPECIAL ASSISTANCE TO DROUGHT STRICKEN AREAS

New Methods for Determining Amount of Development Grant Assistance

AGENCY: Farmers Home Administration, USDA.

ACTION: Final Rule.

SUMMARY: The Farmers Home Administration issues amended regulations to provide new methods for determining the amount of development grant assistance for projects serving rural communities suffering from drought. This action is brought about by the need for emergency assistance through grants and/or loans and the intended effect is

to ameliorate the impact of the drought conditions.

EFFECTIVE DATE: September 1, 1977. Comments must be received on or before October 3, 1977.

ADDRESSES: Submit written comments to the Office of the Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6316, South Building, Washington, D.C. 20250. All written comments made pursuant to this notice will be available for public inspection at the address given above.

FOR FURTHER INFORMATION CONTACT:

Mr. Charles B. Hart, 202-447-5717.

SUPPLEMENTARY INFORMATION: Part 1888 of Chapter XVIII, Title 7, Subchapter G, "Miscellaneous Regulations," in the Code of Federal Regulations (42 FR 19322; 42 FR 23158) is amended. The purpose of this amendment is to provide new methods for determining the amount of development grant assistance for projects serving rural communities suffering from drought, as set forth in the new paragraph (d) of § 1833.13; the present paragraph (d) is redesignated paragraph (e) without change. This change in the administration of grant funds is being implemented to assure that rural communities are receiving equitable treatment with their urban counterparts. It is the policy of the department that rules relating to public property, loans, grants, benefits, or contract shall be published for comment notwithstanding the exemptions in 5 U.S.C. 553. This amendment, however, is not published for proposed rulemaking since any delay in administering this currently needed assistance would be contrary to the public interest. However, comments will be accepted and material thus submitted will be evaluated and acted upon in the same manner as if the document were a proposal. However, this addition will remain effective until amended in order to permit the public business to proceed expeditiously. Accordingly, new paragraph (d) of § 1888.13 reads as follows:

§ 1888.13 Loans and grants to rural communities for water supply assistance.

* * * * *

(d) The provisions of paragraph (b) (1) of § 1823.472 of this chapter determining the need for a development grant will not apply for those grant requests under this authority. Grant assistance will be determined as follows:

(1) Calculate one percent (1 percent) of the median family income of those individuals located within the service area covered by the project multiplied by the number of families or users served; this amount is the applicant's annual available debt service.

(2) Calculate the amount needed annually to service all existing indebtedness of the applicant.

(3) Subtract paragraph (d) (2) of this section from paragraph (d) (1) of this section. This is the net annual available debt service.

(4) Calculate the amount of debt that could be amortized during the estimated useful life of the project with the net annual available debt service calculated under paragraph (d) (3) of this section.

(5) Subtract from the total allowable project cost the amount determined in paragraph (d) (4) of this section. The remainder will be the maximum amount of grant assistance for the project except that the amount of FmHA grant assistance shall not exceed fifty percent (50%) of the total eligible project development costs.

(6) Projects primarily designed to eliminate existing or immediately foreseeable threats to health and safety problems, which are factually documented as such, may receive up to twenty percent (20%) of the total eligible project development costs in the form of grant assistance. This provision is designed to assure that in those cases where the calculations under paragraph (d) (5) of this section results in an FmHA grant of less than twenty percent (20%) of the eligible project development cost for "health and safety" projects as described in this paragraph, additional FmHA grant assistance may be provided up to the twenty percent (20%) limit.

(7) The provisions of paragraph (d) of this section shall be retroactive to May 6, 1977, for those projects for which funds have not been obligated or where funds have been obligated but not advanced to the borrower.

(7 U.S.C. 1989; delegation of authority by the Sec. of Agrl., 7 CFR 2.23; delegation of authority by the Asst. Sec. 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 an Economic Impact Statement under Executive Order 11821 and OMB Circular A-107.

Dated: August 26, 1977.

DENTON E. SPRAGUE,
Acting Administrator,
Farmers Home Administration.

[FR Doc.77-25421 Filed 8-31-77;8:45 am]

Title 10—Energy

CHAPTER I—NUCLEAR REGULATORY COMMISSION

Amendments to Chapter To Revoke or Revise Certain Reporting Requirements

AGENCY: U.S. Nuclear Regulatory Commission

ACTION: Final Rule

SUMMARY: The Nuclear Regulatory Commission is amending its regulations to revoke three reporting requirements, to revise four reporting requirements to require telephone notification only and to revise two reporting requirements to increase the threshold for reporting damage to property. These amendments reduce the reporting burden on NRC licensees.

EFFECTIVE DATE: September 1, 1977.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Commission is revoking the following reporting requirements which are no longer necessary or duplicate information which is furnished to the Commission pursuant to other reporting requirements:

(a) 10 CFR 32.60, Report of Transfer of Americium-241 to persons generally licensed under 10 CFR 31.8.

(b) 10 CFR 32.63, Report of transfer of strontium-90 to persons generally licensed under 10 CFR 31.10.

(c) 10 CFR 70.39(d), Report of transfer of plutonium to persons generally licensed under 10 CFR 70.19.

The Commission also is amending the reporting requirements in §§ 20.402(a), 73.71(a), 73.71(b), and 150.16(b) to require telephone notification only. Paragraphs 20.403(a) and 20.403(b) are being amended to increase the threshold for reporting damage to property.

Since the amendments set forth below relate to minor matters and are intended to provide relief from, rather than to impose, restrictions under regulations currently in effect the Commission has found that good cause exists for omitting general notice of proposed rule making and public procedure thereon as unnecessary and for making the rule effective on September 1, 1977 without the customary 30 day waiting period.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and Sections 552 and 553 of Title 5 of the United States Code, the following amendments to Title 10, Chapter I, Code of Federal Regulations, Parts 20, 32, 70, 73, and 150 are published as a document subject to codification.

PART 20—STANDARDS FOR PROTECTION AGAINST RADIATION

§ 20.402 [Amended]

1. Paragraph (a) of § 20.402 of 10 CFR Part 20 is amended by deleting the words "and telegraph, mailgram, or facsimile,".

§ 20.403 [Amended]

2. Paragraph (a) (4) of § 20.403 is amended by deleting "$1,000" and substituting therefor "$200,000".

3. Paragraph (b) (4) of § 20.403 is amended by deleting "$1,000" and substituting therefor "$2,000".

PART 32—SPECIAL LICENSES TO MANUFACTURE, DISTRIBUTE OR IMPORT CERTAIN ITEMS CONTAINING BY-PRODUCT MATERIAL

§§ 32.60 and 32.63 [Revoked]

4. Sections 32.60 and 32.63 of 10 CFR Part 32 are revoked.

PART 70—SPECIAL NUCLEAR MATERIAL

§ 70.39 [Amended]

5. Paragraph (d) of § 70.39 of 10 CFR Part 70 is revoked.

PART 73—PHYSICAL PROTECTION OF PLANTS AND MATERIALS

§ 73.71 [Amended]

6. Paragraph (a) of § 73.71 of 10 CFR Part 73 is amended by deleting the words "and telegraph, mailgram, or facsimile".

7. Paragraph (b) of § 73.71 is amended by deleting the words "and telegraph, mailgram, or facsimile,".

PART 150—EXEMPTIONS AND CONTINUED REGULATORY AUTHORITY IN AGREEMENT STATES UNDER SECTION 274

§ 150.16 [Amended]

8. Paragraph (b) of § 150.16 of 10 CFR Part 150 is amended by deleting the words "and telegraph, mailgram, or facsimile".

(Sec. 161, Pub. L. 83-703, 68 Stat. 948 (42 U.S.C. 2201); sec. 201, Pub. L. 93-438, 88 Stat. 1242 (42 U.S.C. 5841).)

Dated at Bethesda, Maryland this 17th day of August 1977.

For the Nuclear Regulatory Commission.

LEE V. GOSSICK,
Executive Director for Operations.

[FR Doc.77-25074 Filed 8-31-77;8:45 am]

PART 70—SPECIAL NUCLEAR MATERIAL

Issuance of Licenses; Amendment

NOTE.—This document originally appeared at page 43821 in the FEDERAL REGISTER for August 31, 1977. It is reprinted in this issue to meet the assigned day-of-the-week publication schedule.

AGENCY: U.S. Nuclear Regulatory Commission (NRC).

ACTION: Interim rule.

SUMMARY: NRC is amending its regulations on an interim basis to exempt exports of special nuclear material which is diluted in such a way that it is no longer usable for any nuclear activity relevant from the point of view of safeguards, or is practicably irrecoverable, from the requirement that the export be subject to an agreement for cooperation. This amendment would conform NRC export regulations to internationally recognized standards and eliminate an unnecessary administrative burden.

DATES: Effective: August 31, 1977. Comment period expires: October 17, 1977.

ADDRESS: Send comments to: Secretary, Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section.

FOR FURTHER INFORMATION CONTACT:

Mr. R. Neal Moore, Office of International Programs, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Telephone: 301-492-7984.

SUPPLEMENTARY INFORMATION: Section 57 d. of the Atomic Energy Act of 1954, as amended (Act), authorizes the Commission to "exempt certain classes or quantities of special nuclear material or kinds of uses or users from the requirements for a license * * * when it makes a finding that the exemption * * * would not be inimical to the common defense and security and would not constitute an unreasonable risk to the health and safety of the public."

In November 1976, the Commission received a request from the Kerr-McGee Nuclear Corporation to export to Mexico less than 5 grams of low enriched uranium (special nuclear material) as an entrapped contaminant in 15 pieces of used standard laboratory testing equipment and fuel fabrication machinery which had been sold to the Instituto Nacional de Energia Nuclear (INEN) in Mexico, D.F. Recently, the NRC staff was further informed by NUSAC, Inc., the agent for Kerr-McGee Nuclear Corporation, that its client holds a letter of credit issued by INEN which expires August 31, 1977.

Under present regulations, the Commission is precluded from issuing an export license for this material because there is no agreement for cooperation with Mexico pursuant to Section 123 of the Atomic Energy Act.

Under other circumstances, small quantities of special nuclear material could be exported to countries which do not have an agreement for cooperation with the United States by exporting the material under the auspices of the United States/International Atomic Energy Agency (IAEA) Agreement for Cooperation. However, the IAEA system for the application of safeguards provides that "safeguards shall terminate on nuclear material * * * upon determination by the Agency that it has been consumed, or has been diluted in such a way that it is no longer usable for any nuclear activity relevant from the point of view of safeguards, or has become practicably irrecoverable." (INFCIRC/153 and INFCIRC/66/Rev. 2) In such cases, therefore, no useful purpose would be served and an unnecessary administrative burden would be entailed in bringing such exports under the U.S./IAEA Agreement for Cooperation.

A letter dated August 17, 1977 from the Department of State has forwarded the Executive Branch view favoring issuance of the proposed license of Kerr-McGee Nuclear Corporation and an appropriate exemption under Section 57d. of the Act for this case.

While this is the first such case which has arisen, the Commission recognizes that there could be future proposed exports of special nuclear material which is diluted in such a way as to have no relevance from the point of view of safeguards, or is practicably irrecoverable. As with the present case, it is expected that future cases would also involve small quantities of material. At any rate, no such export license would be issued unless the Commission had determined that the proposed export would not be inimical to the common defense and security. Therefore, the Commission has decided to exercise the authority granted under Sections 53, 54, and 57d. of the Act to facilitate such material exports.

The Commission has determined that such action would not be inimical to the common defense and security and would not constitute an unreasonable risk to the health and safety of the public.

In view of the longstanding pendency of this minor case, the Executive Branch's view on the merits of the export license application, the need for timely action expressed by the applicant, the insignificant amounts of the material involved, the fact that the material is practicably irrecoverable and not relevant from the safeguards standpoint, and the fact that the amendment will relieve a restriction, the Commission has also found that the customary 30-day notice of proposed rulemaking and public procedures thereon are unnecessary and contrary to the public interest and that good cause exists why this regulation should be made effective on an interim basis upon publication in the FEDERAL REGISTER without the customary 30-day notice.

This interim rule will expire on March 1, 1978, unless extended by the Commission. The Commission expects to make a decision by March 1, 1978, on whether the interim rule should be made permanent.

All interested persons who desire to submit written comments or suggestions for consideration in connection with making the interim rule permanent should send them to the Secretary of the Commission, Washington, D.C. 20555, Attention: Docketing and Service Section by October 17, 1977. Copies of comments on the interim amendment may be examined at the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C.

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the Energy Reorganization Act of 1974, as amended, and Sections 552 and 553 of Title 5 of the United States Code, the following amendment to Title 10, Chapter 1, Code of Federal Regulations, Part 70 is adopted on an interim basis and published as a document subject to codification and effective upon publication in the FEDERAL REGISTER (August 31, 1977).

Section 70.31(e) of 10 CFR Part 70 is amended to read as follows:

§ 70.31 Issuance of licenses.

* * * * *

(e) When a license is sought to authorize the export of special nuclear material, the Commission will determine whether the export is under the terms of an agreement for cooperation, except for proposed exports on or before March

1, 1978, of special nuclear material which is diluted in such a way that it is no longer usable for any nuclear activity relevant from the point of view of safeguards, or is practicably irrecoverable. No license authorizing export of special nuclear material will be issued if the Commission finds that the issuance of such license would be inimical to the interests of the United States.

(Secs. 53, 161, Pub. L. 83-703, 68 Stat. 930, as amended, 948, as amended, (42 U.S.C. 2073, 2201); Sec. 57d., Pub. L.93-377, 88 Stat. 475 (42 U.S.C. 2077); Sec. 201, Pub. L 93-438, 88 Stat. 1243 (42 U.S.C. 5841).)

Dated at Washington, D.C. this 26th day of August, 1977.

SAMUEL J. CHILK,
Secretary for the Commission.

[FR Doc.77-25411 Filed 8-30-77;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 77-SW-32; Amdt. 39-3026]

PART 39—AIRWORTHINESS DIRECTIVES

Mooney Aircraft Corporation Models M20E, F, and J Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This Airworthiness Directive requires a visual check of oil coolers on certain Mooney airplanes with an incorrectly assembled oil cooler.

DATES: Effective date, August 31, 1977, and was effective upon receipt of the airmail letter dated August 2, 1977, for all recipients of the airmail letter. Compliance required before further flight after the effective date of this AD.

FOR FURTHER INFORMATION CONTACT:

Martin J. Saunders, Propulsion Section (ASW-214), Engineering and Manufacturing Branch, Flight Standards Division, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, Texas 76101; telephone 817-624-4911, extension 524.

SUPPLEMENTARY INFORMATION: Two incorrectly assembled Stewart-Warner model 8432F1 oil coolers were found. One during a production flight test and the other during inventory inspection following the production flight test incident. The mode of incorrect assembly allows oil to pass directly through the end of the oil radiator without passing through the oil fins, resulting in little or no oil cooling, and during some flight conditions, the inlet oil temperature exceeds manufacturers' approved limits.

DRAFTING INFORMATION

The principal authors of this document are Martin J. Saunders, Aerospace Engineer, Flight Standards Division, and Joseph A. Kovarik, Regional Counsel, Southwest Region, Federal Aviation Administration.

ADOPTION OF THE AMENDMENT

Accordingly, and pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended, effective August 31, 1977, and was effective upon receipt for all recipients of the airmail letter dated August 2, 1977, which contained this amendment, by adding the following new AD:

MOONEY: Applies to Models M20E (Serial Numbers 101 through 469, 470 through 1217, 1219, 1221, 1223 through 1308, 670001 through 670062, 690001 through 690073, 700001 through 700039, 700041 through 700043, 700045 through 700052, 700055, 700056, 700060, 700061, 21-0001 through 21-1180); M20F (Serial Numbers 670001 through 670363, 670365 through 670385, 670387 through 670482, 670484 through 670539, 680001 through 680206, 690001 through 690090, 690092, 700001 through 700061, 700063, 700066 through 700070, 700072, 22-0001 through 22-1437); M20J (Serial Numbers 24-0001 through 24-0237, 24-0241, 24-0242, 24-0245, 24-0248 through 24-0255) airplanes with a Stewart-Warner model 8432F1 oil cooler.

Compliance: Required before further flight, unless already accomplished.

To prevent overheating of engine oil, accomplish the following:

1. Remove the top cowl on Mooney Model M20J airplanes, the left side cowl on Mooney Model M20E or F airplanes; visually check the engine oil cooler to determine if there is a "V" notch between the center welds and the row of smaller edge notches, as shown in the attached picture, Figure I.

a. If a "V" notch is found on the fourth (4th) and/or fifth (5th) plate on the side having the oil ports, as displayed in Figure I, and no such "V" notch is found on the opposite side, make an entry in the aircraft maintenance records indicating that this AD has been accomplished, and the airplane may be returned to service.

b. If no "V" notice is found as depicted in Figure I, or if there are any other similar notches in any other location, replace the oil cooler with an airworthy Stewart-Warner model 8432F1 oil cooler before further flight.

A pilot may perform the visual checks outlined in paragraph 1.a.

NOTE.—The pilot must make an entry in the maintenance record in accordance with FAR § 43.9 to indicate compliance with this AD.

NOTE.—Mooney Special Notice Letter 7/22/77 pertains to this same subject.

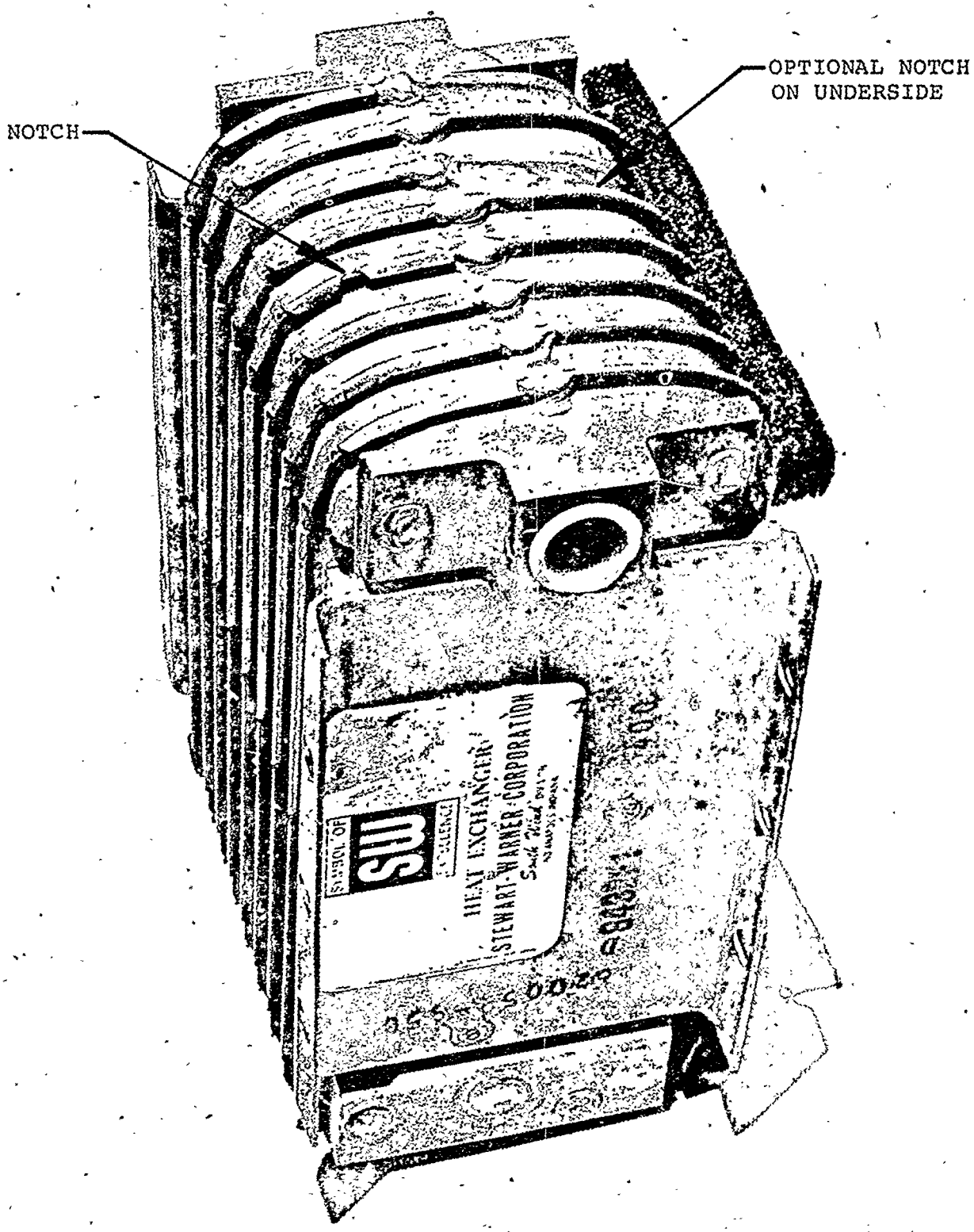
2. Any equivalent method of compliance with this AD must be approved by the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Southwest Region, Federal Aviation Administration.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89.)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Fort Worth, Texas, on August 22, 1977.

HENRY L. NEWMAN,
Director,
Southwest Region.



Either (1) one or (2) two notches in the formed pan as indicated above must be evident and must be in the same end of the cooler as the inlet and outlet ports.

FIGURE I

[FR Doc.77-25447 Filed 8-31-77;8:45 am]

[Docket No. 77-GL-19; Amdt. 39-3011]

PART 39—AIRWORTHINESS DIRECTIVES

Detroit Diesel Allison Model 250-C20/C20B/C20C and 250-B17/B17B Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule, supersedure of existing Airworthiness Directive.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD) which supersedes AD 77-10-13, and, in addition to incorporating those provisions originally set forth in AD 77-10-13, requires modification or replacement of the third stage turbine wheel on Detroit Diesel Allison 250-C20 and 250-B17 engines presently equipped with wheels of Part Number (P/N) 6887113 or P/N 6888633. This AD is being adopted in response to several instances of third stage turbine blade failure on 250-C20 series engines. Compliance with this AD will prevent possible turbine blade failure due to vibratory fatigue which results in engine power loss.

DATE: Effective date September 6, 1977. Compliance schedule—As prescribed in the body of this AD.

ADDRESSES: Copies of the Detroit Diesel Allison Commercial Engine Bulletins referenced herein may be obtained by contacting: Detroit Diesel Allison, Division of General Motors Corp., P.O. Box 894, Indianapolis, Ind. 46206.

Copies of the Bell Helicopter Textron Service Bulletins referenced herein may be obtained by contacting: Bell Helicopter Textron, P.O. Box 482, Fort Worth, Tex. 76101.

Copies of the service information incorporated in this AD are contained in the Rules Docket, Office of the Regional Counsel, 2300 E. Devon Avenue, Des Plains, Ill. 60018; and at FAA Headquarters, Room 916, 800 Independence Avenue SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

W. Ashworth, Engineering and Manufacturing Branch, Flight Standards Division, AGL-214, Federal Aviation Administration, 2300 E. Devon Avenue, Des Plains, Ill. 60018; telephone 312-694-4500, extension 308.

SUPPLEMENTARY INFORMATION: There recently have been several instances of third stage turbine blade failure on 250-C20 series engines equipped with P/N 6887113 turbine wheels. As a result, in each instance a severe power loss was experienced.

Each of these failures resulted from high cycle fatigue. Analysis and testing indicate that the most probable cause of these failures is high vibratory stress developed in the blades when the wheel is operated at a speed that excites the disc at a resonant frequency.

Amendment 39-2904, 42 FR 26199, AD 77-10-13 as amended by 39-2929, 42 FR 32521, imposed a turbine speed restriction on Detroit Diesel Allison 250-C20, C20B, C20C, B17, and B17B engines, compliance with which does not completely eliminate the risk of failure. After issuing Amendment 39-2929, the Federal Aviation Administration determined that replacement or modification of the third stage power turbine wheel would preclude third stage power turbine blade failure due to vibratory fatigue. Therefore, the Federal Aviation Administration is superseding Amendment 39-2929 with a new AD that requires third stage power turbine wheel replacement or modification on these Detroit Diesel Allison engines.

This superseding AD does, however, retain the operating restrictions imposed by AD 77-10-13 which is required for coverage, to the extent thereby provided, of affected wheels until they reach time in service which renders applicable the additional provisions of this AD.

Since this amendment relieves a restriction and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In accordance with Departmental Regulatory Reform, dated March 23, 1976, an evaluation of the anticipated impacts has been made and it is expected that within a normal range of pertinent considerations the proposal will be neither costly nor controversial.

DRAFTING INFORMATION

The principal authors of this document are W. Ashworth, Flight Standards Division, Great Lakes Region, and J. McLaughlin, Office of the Regional Counsel, Great Lakes Region.

ADOPTION OF THE AMENDMENT

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new Airworthiness Directive:

DETROIT DIESEL ALLISON. Applies to 250-C20, C20B, C20C, B17, and B17B engines equipped with third stage turbine wheel part numbers 6887113 and 6888633 installed in aircraft certificated in all categories.

Compliance required before further flight, unless already accomplished.

(a) To reduce the risk of engine power loss resulting from third stage turbine blade failure, provide placards, markings, flight manual changes or other appropriate information advising flight crews to avoid sustained operation of the engine between 90 and 98 percent N_2 except during transients while maintaining safe flight practices. This restriction also applies to autorotation practice and engine idle during engine out simulation on multi-engine aircraft. An acceptable means of compliance for Bell Helicopter Textron 206 series rotorcraft is prescribed by Bell Helicopter Textron Service Bulletin Numbers 206L-77-9 for Bell 206L rotorcraft and 206B-77-6 for Bell 206B rotorcraft. (Detroit Diesel Allison Commercial Service Letters No. 1062 Rev. 1 for the 250-C20 series engines and No. 1031 Rev. 1 for the 250-B17 series engines also pertain to this subject).

Compliance required within the next 1500 hours time in service after the effective date of this AD or at next turbine disassembly, whichever comes first, unless already accomplished.

(b) Remove the third stage turbine wheel in accordance with the applicable approved engine overhaul manual. Third stage turbine wheel Part Numbers 6887113 and 6891588 shall then be modified in accordance with Detroit Diesel Allison Commercial Engine Bulletins No. 1114 for the C20 series engines and No. 1084 for the B17 series engines or be replaced by wheel P/N 6898551 or 6898567. All modified wheels shall be reidentified as P/N 6896863 or 6896873 respectively. Upon completion of this modification, action required by (a) is obviated.

The manufacturer's specifications and procedures identified in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Detroit Diesel Allison, Division of General Motors Corp., P.O. Box 894, Indianapolis, Ind. 46206, and Bell Helicopter Textron, P.O. Box 482, Fort Worth, Tex. 76101. These documents also may be examined at the FAA Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Ill. 60018 and at FAA Headquarters, 800 Independence Avenue SW., Washington, D.C. 20591. A historical file on this AD which includes the incorporated material in full is maintained by the FAA at its headquarters in Washington, D.C, and at the Great Lakes Region.

This supersedes Amendment 39-2904, 42 FR 26199, AD 77-10-13, as amended by Amendment 39-2929, 42 FR 32521.

This amendment becomes effective September 6, 1977.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89.)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Des Plaines, Ill. on August 22, 1977.

LEON C. DAUGHERTY,
Acting Director,
Great Lakes Region.

NOTE.—The incorporation by reference in the preceding document was approved by the Director of the Federal Register on June 19, 1967.

[FR Doc.77-25446 Filed 8-31-77;8:45 am]

[Airspace Docket No. 77-RM-9]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE AND REPORTING POINTS

Redesignation of Control Zone, Livingston, Mont.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment revises the effective time for the Livingston, Mont., Control Zone from continuous to part-time to establish effective times for this control zone which coincide with

the availability of weather reporting service at this location.

EFFECTIVE DATE: 0901 GMT September 22, 1977.

ADDRESS: Federal Aviation Administration, Chief, Air Traffic Division (Attn: ARM-500), 10455 East 25th Avenue, Aurora, Colo. 80010.

FOR FURTHER INFORMATION CONTACT:

Clyde A. Powers, Airspace Specialist, Operations, Procedures and Airspace Branch, ARM-538, Federal Aviation Administration, Rocky Mountain Region, 10455 East 25th Avenue, Aurora, Colo. 80010, telephone 303-837-3937.

SUPPLEMENTARY INFORMATION: The Livingston, Mont., Flight Service Station currently provides full-time weather reporting service to support the full-time Livingston, Mont., Control Zone. Beginning September 22, 1977, operational hours for the Livingston, Mont., Flight Service Station will be changed from full-time to the periods from 060 to 2200 hours local time daily and weather reporting services will not be available during periods when this facility is closed. Therefore, the present continuous effective period for the Livingston, Mont., Control Zone must be revised to establish effective times for this control zone coincidental with the availability of weather reporting service by the Livingston, Mont., Flight Service Station.

Furthermore, it is anticipated that seasonal changes will have a minor affect on air traffic activities at Livingston, Mont., and it will be necessary to adjust the Livingston, Mont., Flight Service Station operating hours and associated weather service to accommodate these changing air traffic activities. Therefore, the revised Livingston, Mont., Control Zone designation provides for changes in the effective periods for this control zone by Notice to Airmen with continuous publication of these effective periods in the Airman's Information Manual.

It has been determined that aeronautical activities at Livingston, Mont., do not warrant full-time operation of the Livingston, Mont., Flight Service Station. Since effective periods for the Livingston, Mont., Control Zone are contingent on the availability of weather reporting service at that location, it was further determined that issuance of a notice of proposed rulemaking for this amendment would be impractical and not within the public interest.

DRAFTING INFORMATION

The principal authors of this document are Clyde A. Powers, Air Traffic Division, and Daniel J. Peterson, Office of Regional Counsel, Rocky Mountain Region.

Accordingly, § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR 71.171) is amended, effective 0901 GMT September 22, 1977, as follows:

Amend § 71.171 (42 FR 355) by adding the following: Livingston, Mont. This control zone is effective during the specific dates and times established in advance by a Notice of Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

(Sec. 307(a), Federal Aviation Act of 1958 as amended (49 U.S.C. 1348); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655 (c)).)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Aurora, Colo., on August 22, 1977.

M. M. MARTIN,
Director, Rocky Mountain Region.

[FR Doc.77-25443 Filed 8-31-77;8:45 am]

[Airspace Docket No. 77-EA-63]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE AND REPORTING POINTS

Alteration of VOR Airways

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment will realign low altitude VOR Airways (V-58-167) in part between Kingston, N.Y., and Hartford, Conn., and also extend (V-433) approximately 2 NM to the north. This airway realignment is designed to provide more efficient routings to aircraft transiting this area.

EFFECTIVE DATE: December 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. David F. Solomon, Airspace Regulations Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591; telephone: 202-426-8530.

SUPPLEMENTARY INFORMATION: The purpose of this amendment to Subpart C of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is to realign low altitude VOR Airways (V58-167) in part between Kingston, N.Y., and Hartford, Conn., and to extend (V-433) approximately 2 NM to the north. Subpart C of Part 71 of the Federal Aviation Regulations was republished in the FEDERAL REGISTER on January 3, 1977 (42 FR 307).

This airway realignment is designed to provide more efficient routings to aircraft transiting this area, thereby increasing the prospects for time and fuel conservation.

Under the circumstances presented, the FAA concludes that this action is of benefit to the flying public and a minor matter on which the public would have no particular desire to comment. Therefore, notice and public procedure thereon are unnecessary.

DRAFTING INFORMATION

The principal authors of this document are Mr. David F. Solomon, Air Traffic Service, and Mr. Jack P. Zimmerman, Office of the Chief Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (42 FR 307) is amended, effective 0901 GMT, December 1, 1977, as follows:

In V-58 "INT Kingston 100° and Hartford, Conn., 268° radials; Hartford;" is deleted and "Hartford, Conn.;" is substituted therefor.

In V-167 "INT Kingston 100° and Hartford, Conn., 268° radials; Hartford;" is deleted and "Hartford, Conn.;" is substituted therefor.

In V-433 "and Hartford, Conn., 268° radials." is deleted and "and Hartford, Conn., 272° radials." is substituted therefor.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69.)

NOTE: The FAA has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on August 26, 1977.

EDWARD J. MALO,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.77-25441 Filed 8-31-77;8:45 am]

[Docket No. 77-SO-26]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Marco Island, Florida, Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule designates a 700-foot transition area in the vicinity of Marco Island, Fla. This action provides necessary controlled airspace for accommodation of IFR operations at the Marco Island Airport.

EFFECTIVE DATE: 0901 G.m.t., October 6, 1977.

ADDRESS: Federal Aviation Administration, Chief, Air Traffic Division, P.O. Box 20636, Atlanta, Ga. 30320.

FOR FURTHER INFORMATION CONTACT:

Donald Ross, Airpsace and Procedures Branch, Federal Aviation Administration, P.O. Box 20636, Atlanta, Ga. 30320; telephone 404-763-7648.

SUPPLEMENTARY INFORMATION: A Notice of Proposed Rulemaking was pub-

lished in the FEDERAL REGISTER on June 30, 1977, (42 FR 33343) which proposed the designation of the Marco Island, Fla., 700-foot transition area. No. objections were received from this notice.

DRAFTING INFORMATION

The principal authors of this document are Donald Ross, Airspace and Procedures Branch, Air Traffic Division, and Ronald R. Hagadone, Office of Regional Counsel.

ADOPTION OF AMENDMENT

Accordingly, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR 71) is amended, effective 0901 GMT, October 6, 1977, by adding the following:

MARCO ISLAND, FLORIDA

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Marco Island Airport (Lat. 25°59'-46" N., Long. 81°40'22" W.); within 3 miles each side of the 164° bearing from the Marco Island RBN (Lat. 26°00'01" N., Long. 81°40'-30" W.); extending from the 6.5-mile radius area to 8.5 miles south of the RBN.

(Sec. 307(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

NOTE: The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in East Point, Ga., on August 19, 1977.

GEORGE R. LACAILLE,
Acting Director, Southern Region.

[FR Doc.77-25107 Filed 8-31-77;8:45 am]

[Airspace Docket No. 77-WA-11]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Terminal Control Area

Correction

In FR Doc. 77-23435, appearing at page 41112 in the issue of Monday, August 15, 1977, the second line of the third full paragraph in the second column of page 41113 should read, "from 10,000 feet MSL to and including 12,500".

[Airspace Docket No. 77-WE-6]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Alteration of Jet Route

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment realigns Jet Route No. 1 south of Mission Bay, Calif., to a radial that will overlie the Tijuana, Mexico, VOR rather than the Tijuana NDB. This action will permit the United States jet route to line up with the Mexican jet route.

EFFECTIVE DATE: December 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. Everett L. McKisson, Airspace Regulations Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591; telephone: 202-426-3715.

SUPPLEMENTARY INFORMATION:

HISTORY

On July 14, 1977, the FAA published for comment a proposal to realign a segment of Jet Route No. 1 southeast of Mission Bay, Calif. (42 CFR 36272). Interested persons were invited to participate in this rule making proceeding by submitting written comments on the proposal to the FAA. The only comment received expressed no objections.

THE RULE

This amendment to Part 75 of the Federal Aviation Regulations realigns the United States segment of Jet Route No. 1 to go from Mission Bay, Calif., to the Tijuana, Mexico, (TIJ) VOR.

DRAFTING INFORMATION

The principal authors of this document are Mr. Everett L. McKisson, Air Traffic Service, and Mr. Jack P. Zimmerman, Office of the Chief Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, § 75.100 of Part 75 of the Federal Aviation Regulations (14 CFR Part 75) as republished (42 FR 707) is amended, effective 0901 GMT, December 1, 1977, as follows:

In Jet Route No. 1 "Tijuana, Mexico, NDB," is deleted and "Tijuana, Mexico, VOR," is substituted therefor.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69.)

NOTE.—The FAA has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on August 25, 1977.

EDWARD J. MALO,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.77-25435 Filed 8-31-77;8:45 am]

[Airspace Docket No. 77-WA-8]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Waypoint Name Changes; Correction

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Correction to final rule.

SUMMARY: In a rule published in the FEDERAL REGISTER of August 4, 1977, Volume 42, page 39379, amendment paragraph, item 9, line 2 on page 39380, 124°05'00" W., is incorrect. It should be 124°50'00" W.

EFFECTIVE DATE: September 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. Everett L. McKisson, Airspace Regulations Branch, (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591; telephone: 202-426-3715.

SUPPLEMENTARY INFORMATION: FEDERAL REGISTER Document 77-22379 was published on August 4, 1977 (42 FR 39379) with an effective date of October 6, 1977, and changed the names of several waypoints to be identical to reporting points where they are collected. An incorrect geographic coordinate was inadvertently published describing the waypoint CLUKK in J964R (item 9). Action is taken herein to correct this error.

ADOPTION OF THE CORRECTION

Accordingly, pursuant to the authority delegated to me by the Administrator, FR Doc. 77-22379, appearing at page 39379 in the FEDERAL REGISTER of August 4, 1977, in the amendment paragraph, item 9 is amended by deleting (124°05'-00" W.) and substituting (124°50'00" W.) therefor.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 135 (c)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69.)

Issued in Washington, D.C., on August 26, 1977.

EDWARD J. MALO,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.77-25442 Filed 8-31-77;8:45 am]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Docket No. 17152; Amdt. No. 1038]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: An effective date for each SIAP is specified in the amendatory provisions.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For examination—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue SW., Washington, D.C. 20591;

2. The FAA Regional Office of the region in which the affected airport is located; or

3. The Flight Inspection Field Office which originated the SIAP.

For purchase.—Individual SIAP copies may be obtained from:

1. FAA Public Information Center (APA-430), FAA Headquarters Building, 800 Independence Avenue SW., Washington, D.C. 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

By subscription.—Copies of all SIAPs, mailed weekly, may be ordered from Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. The current annual subscription price is $150.00; add $30.00 for each additional copy mailed to the same address.

FOR FURTHER INFORMATION CONTACT:

William L. Bersch, Flight Procedures and Airspace Branch (AFS-730), Aircraft Programs Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591; telephone 202-426-8277.

SUPPLEMENTARY INFORMATION: This amendment to Part 97 of the Federal Aviation Regulations (14 CFR Part 9) prescribes new, amended, suspended, or revoked Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. § 552(a), 1 CFR Part 51, and § 97.20 of the Federal Aviation Regulations (FARs). The applicable FAA forms are identified as FAA Forms 8260-3, 8260-4, and 8260-5. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the FEDERAL REGISTER expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form document is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

This amendment to Part 97 is effective on the date of publication and contains separate SIAPs which have compliance dates stated as effective dates based on related changes in the National Airspace System or the application of new or revised criteria. Some SIAP amendments may have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require making them effective in less than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPs). In developing these SIAPs, the TERPs criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure, before adopting these SIAPs is unnecessary, impracticable, or contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

The principal authors of this document are Rudolph L. Fioretti, Flight Standards Service, and Richard W. Danforth, Office of the Chief Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me, Part 97 of the Federal Aviation Regulations (14 CFR Part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective on the dates specified, as follows:

1. By amending § 97.23 VOR-VOR/DME SIAPs identified as follows:

* * * *effective October 20, 1977*

Prescott, AZ—Prescott Municipal Airport, VOR-A, Amdt. 2
Livermore, CA—Livermore Municipal, VOR/DME-A, Amdt. 3
Columbus, GA—Columbus Metropolitan, VOR-A, Amdt. 18
Griffin, GA—Griffin-Spalding County, VOR/DME Rwy 13, Amdt. 3
Montague, MA—Turners Falls, VOR-A, Amdt. 1
Bradford, PA—Bradford Regional, VOR Rwy 32, Amdt. 2
Bradford, PA—Bradford Regional, VOR/DME Rwy 14, Amdt. 5
Charleston, CS—Charleston AFB/MUNI, VOR Rwy 3 (TAC) Amdt. 7

* * * *effective September 8, 1977.*

Burlington (Mt. Vernon), WA—Bay View, VOR Rwy 10, Original

NOTE: The FAA published an amendment in Docket No. 17063, Amdt. No. 1084 to Part 97 of the Federal Aviation Regulations (42 FR 39380; August 4, 1977) under section 97.23 effective September 22, 1977, which is hereby amended as follows: Douglas, GA—Douglas Muni., VOR-A, Amdt. No. 2 is rescinded.

2. By amending § 97.25 SDF-LOC-LDA SIAPs identified as follows:

* * * effective September 8, 1977.

Columbus, GA—Columbus Metropolitan, LOC (BC) Rwy 23, Amdt. 8

* * * effective September 8, 1977.

Brunswick, GA—Glynco Jetport, LOC Rwy 7, Amdt. 3, cancelled

3. By amending § 97.27 NDB/ADF SIAPS identified as follows:

* * * effective October 20, 1977.

Columbus, GA—Columbus Metropolitan, NDB Rwy 5, Amdt. 23
Sylvester, GA—Sylvester, NDB Rwy 1, Amdt. 3
Meridian, MS—Key Field, NDB Rwy 1, Amdt. 16
Bradford, GA—Bradford Regional NDB Rwy 32, Amdt. 12
Clemson, SC—Clemson-Oconee County, NDB-A, Amdt. 2

4. By amending § 97.29 ILS-MLS SIAPs identified as follows:

* * * effective October 20, 1977.

Columbus, GA—Columbus Metropolitan, ILS Rwy 5, Amdt. 18
Meridian, MS—Key Field, ILS Rwy 1, Amdt. 20
Bradford, PA—Bradford Regional, ILS Rwy 32, Amdt. 7

* * * effective September 8, 1977.

Brunswick, GA—Glenco Jetport, ILS Rwy 7, Orig.

5. By amending § 97.31 RADAR SIAPs identified as follows:

* * * effective October 20, 1977.

Columbus, GA—Columbus Metropolitan, RADAR-1, Amdt. 4
San Antonio, TX—San Antonio International, RADAR-1, Amdt. 21

* * * effective September 22, 1977.

Lafayette, LA—Lafayette Regional, RADAR-1, Original

6. By amending § 97.33 RNAV SIAPs identified as follows:

* * * effective October 20, 1977.

Houston, TX—Hull Field, RNAV Rwy 17, Amdt. 2
Houston, TX—Hull Field, RNAV Rwy 35, Amdt. 1

(Secs. 307, 313(a), 601, and 1110, Federal Aviation Act of 1958 (49 U.S.C. §§ 1348, 1354(a), 1421, and 1510); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); Delegation: 24 FR 6489 and Paragraph 802 of Order FS P 1100.1, as amended March 9, 1973.)

NOTE: The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on August 26, 1977.

JAMES M. VINES,
Chief,
Aircraft Programs Division.

NOTE: The incorporation by reference in the preceding document was approved by the Director of the Federal Register on May 12, 1969.

[FR Doc.77-25440 Filed 8-31-77;8:45 am]

[Docket No. 17158; Amdt. No. 121-137]

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

Flight Time Limitations: Flag Air Carriers

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule amends the flight time limitations pertaining to pilots utilized by flag air carriers who serve with different flight crews in a calendar month. The FAA has determined that the current rule is not consistent with the rule as it existed prior to recodification. Since it was not intended that the recodification program make any substantive changes to the regulations, the current rule is being amended accordingly.

DATE: September 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Donald A. Schroeder, Safety Regulations Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591; telephone 202-755-8715.

SUPPLEMENTARY INFORMATION: Section 121.487 of the Federal Aviation Regulations specifies flight time limitations applicable to pilots serving with flag air carriers. The purpose of § 121.487 is to provide a method for determining which flight time limitations govern a pilot who serves with multiple flight crews during the course of a calendar month.

The current rules in § 121.487 state that the flight time limitations governing pilots who serve with multiple flight crews during the course of a calendar month are those contained in either §§ 121.481, 121.483, or 121.485. Section 121.481 specifies daily, weekly, monthly, and yearly flight time limitations; § 121.483 specifies daily, monthly, yearly, and quarterly flight time limitations; and § 121.485 provides for quarterly and yearly flight time limitations.

It has come to our attention that the wording of paragraphs (b)-(e) of § 121.487 imposes all of the flight time limitations of either §§ 121.481, 121.483 or 121.485 on pilots who serve with multiple flight crews during the course of a calendar month. The FAA has determined, however, that it was intended that paragraphs (b)-(e) of § 121.487 should only apply the monthly and quarterly flight time limitations contained in §§ 121.481, 121.483, and 121.485, and should not apply the daily, weekly and yearly flight time limitations of those sections.

Special Civil Air Regulation No. 386F, adopted February 26, 1963, was the predecessor to current § 121.487 (b)-(e). This special regulation contained provisions which governed pilots serving with multiple flight crews during the course of a calendar month, and it applied only the monthly and quarterly flight time limitations.

When the FAA proposed to recodify Parts 40, 41, and 42 of the Civil Air Regulations (including all special regulations associated with those parts) into what is now Part 121 of the Federal Aviation Regulations (29 FR 12182, August 26, 1964), the agency stated that changes in substance were not within the scope of the recodification program. In addition, the revision note contained in § 121.487 of the FAA's notice of proposed rulemaking relating to the recodification indicated that S.R. 386F and § 41.323 were combined to create § 121.487 (29 FR 12214).

Since S.R. 386F applied only the monthly and quarterly flight time limitations to pilots serving with multiple flight crews, if § 121.487 (b)-(e) imposed other limitations it would constitute a substantive change and would be contrary to the stated purpose of the recodification program. Accordingly, the FAA is amending paragraphs (b)-(e) of § 121.487 to make them conform to the meaning of S.R. 386F and to the agency's intent in adopting Part 121 as part of the recodification program.

This clarifying amendment removes an unintended restriction and is necessary to be consistent with the stated policy of the FAA governing its regulatory recodification program. Accordingly, I find that notice and public procedure hereon are unnecessary and that good cause exists for making this amendment effective on less than 30 days notice.

Drafting Information

The principal authors of this document are Charles H. Huettner, Flight Standards Service, and Marshall S. Filler, Office of the Chief Counsel.

The Amendments

In consideration of the foregoing, Part 121 of the Federal Aviation Regulations is amended, effective September 1, 1977, by revising paragraphs (b)-(e) of § 121.487 to read as follows:

§ 121.487 Flight time limitations: Pilots not regularly assigned.

* * * * *

(b) The monthly flight time limitations for a pilot who is scheduled for duty aloft for more than 20 hours in two-pilot crews in any calendar month, or whose assignment in such a crew is interrupted more than once in that calendar month by assignment to a crew consisting of two or more pilots and an additional flight crewmember, are those set forth in § 121.481.

(c) Except for a pilot covered by paragraph (b) of this section, the monthly and quarterly flight time limitations for a pilot who is scheduled for duty aloft for more than 20 hours in two-pilot and additional flight crewmember crews in any calendar month, or whose assignment in such a crew is interrupted more than once in that calendar month by assignment to a crew consisting of three pilots and additional flight crewmember, are those set forth in § 121.483.

(d) The quarterly flight time limitations for a pilot to whom paragraphs (b) and (c) of this section do not apply and who is scheduled for duty aloft for a total of not more than 20 hours within any calendar month in two-pilot crews (with or without additional flight crewmembers) are those set forth in § 121.485.

(e) The monthly and quarterly flight time limitations for a pilot assigned to each of two-pilot, two-pilot and additional flight crewmember, and three-pilot and additional flight crewmember crews in a given calendar month, and who is not subject to paragraph (b), (c), or (d), of this section, are those set forth in § 121.483.

(Secs. 313(a), 601, 604, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1424), sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on August 29, 1977.

LANGHORNE BOND,
Administrator.

[FR Doc.77-25614 Filed 8-31-77;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

PART 1—GENERAL PROCEDURES

Subpart B—Rules and Rulemaking Under Sec. 18(a)(1)(B) of the FTC Act As Amended by Public Law 93-637

Trade Regulation Rulemaking Procedures

AGENCY: Federal Trade Commission.

ACTION: Final rule.

SUMMARY: This document establishes procedures for handling communications with respect to trade regulation rulemaking proceedings to Commissioners or members of Commissioners' personal staff by persons not employed by the Commission. It further clarifies that the entire rulemaking record is publicly available. These amendments are made in light of recent court decisions and are procedural in nature.

DATES: Effective date: September 1, 1977. Comments by: October 3, 1977.

FOR FURTHER INFORMATION CONTACT:

Thomas A. Sheehan, Attorney, Office of General Counsel, Federal Trade Commission, 6th St. and Pennsylvania Ave., NW., Washington, D.C. 20580, (202-523-3990).

ADDRESSES: Send comments to: Office of the Secretary, Federal Trade Commission, 6th Street and Pennsylvania Ave., NW., Washington, D.C. 20580.

SUPPLEMENTARY INFORMATION: Having examined its rulemaking procedures in light of the recent decisions by the Court of Appeals for the District of Columbia in *Home Box Office, Inc.* v. *FCC*, D.C. Cir. No. 75-1280 (March 25,

1977; special concurring opinion by MacKinnon, J., May 20, 1977) and *Action for Children's Television* v. *FCC*, No. 74-2006 (D.C. Cir. July 1, 1977), the Commission has determined, as an exercise of discretion, to add a new section, § 1.18 (c), to its Rules of Practice. This new section will require that communications relating to a rulemaking proceeding be made only during the regular course of the proceeding, thus ensuring that they become part of the rulemaking record and providing an opportunity for comment on such communications. Section 1.18(c) provides that, after a rulemaking proceeding has commenced, all communications concerning the merits of that proceeding from persons not employed by the Commission to Commissioners, or members of their personal staffs, are prohibited. If a prohibited communication does occur it will be placed on the Commission's public record but will not be considered by the Commission when it reviews the record of the proceeding. Requests for information as to the status of a rulemaking proceeding are not subject to these restrictions. Section 1.18 (b) is amended to reflect the Commission's current practice of making the entire rulemaking record publicly available. The titles to § 1.18 and § 1.18(a) are also being amended.

While this rule is effective September 1, 1977, the Commission invites comments on it on or before October 3, 1977. Comments should be addressed to the Office of the Secretary. The Commission will review all comments received and take whatever action, if any, it deems appropriate.

In consideration of the foregoing, 16 CFR Chapter 1 is amended as follows:

By amending § 1.18(b) and adding § 1.18(c) to read as follows:

§ 1.18 Rulemaking Record.

(a) *Definition.*

* * * * *

(b) *Public availability.* The rulemaking record shall be publicly available except when the presiding officer, for good cause shown, determines that it is in the public interest to allow any submission to be received in camera subject to the provisions of § 4.11 of this chapter.

(c) *Communications to Commissioners and their attorney advisors.* Except as provided by the Commission, pursuant to § 1.14(a) of the Rules of Practice, after commencement of a trade regulation rule proceeding, no person not employed by the Commission shall communicate, orally or in writing, with any Commissioner or any member of a Commissioner's personal staff, with respect to the merits of that proceeding. If a prohibited communication does occur, the communication will be placed on the public record on receipt. In the case of an oral communication, the Commissioner or staff member shall place on the public record a memorandum setting forth the contents of such communication and the circumstances thereof. Such communications or memoranda will not be part of the rulemaking record.

By direction of the Commission, Commissioners Collier and Dole dissenting.

JAMES A. TOBIN,
Acting Secretary.

DISSENTING STATEMENT OF COMMISSIONER COLLIER TO COMMISSION DECISION TO ADOPT AMENDMENT TO § 1.18 OF THE COMMISSION'S RULES OF PRACTICE

I dissent from this modification of the Commission's rules, not because I believe that off-the-record communications with respect to the merits of rulemaking proposals should be permitted, but because the Commission has declined to provide an adequate opportunity for such communications to be made on-the-record.

In my opinion, our current rules are seriously deficient in their failure to provide for oral presentations to the Commissioners by designated representatives in rulemaking proceedings. Section 1.14 of our Rules provides: "Where it believes that it should have further information or additional views of interested persons as to the form and content of the rule, it may withhold final action pending the receipt of such additional information or views." As implemented by the Commission to date, this Rule has not provided for the regular opportunity by interested persons to make oral presentations to the full Commission.

In contrast, we provide in adjudicative proceedings that: "Oral agruments will be held in all cases on appeal to the Commission, unless the Commission otherwise orders upon its own initiative or upon request of any party made at the time of filing his brief." § 3.52(f). In practice, this Rule generally results in the Commission's granting oral argument.

The same presumption favoring oral presentations at the close of rulemaking proceedings should be created. These presentations, like post-record written comments, should be based upon information already in the record. See § 1.13(h). The opportunity should be afforded to representatives of various interests that were selected by the presiding officer. See § 1.13(d)(5)(D). See also § 1.17.

I have no quarrel with controlling communications to Commissioners during the course of rulemaking proceedings. The failure to do so can render our orderly procedures for accumulating relevant information and views a nullity if not a charade. But I object to an absolute ban on such communications (in contrast, for example, to placing them on the public record), unless and until the Commission establishes a proper forum for receipt of oral presentations.

DISSENTING STATEMENT OF COMMISSIONER DOLE

I agree that the Commission should tighten up its procedures for dealing with contacts between Commissioners and outside parties on the merits of pending rulemaking proceedings. Otherwise, the elaborate procedures established for the development and analysis in public of a rulemaking record could be compromised.

However, I disagree with the solution adopted by the majority. I believe that the purpose of this rule could have been served in a less restrictive way, modeled along the lines of the draft recommendations recently issued by the Administrative Conference of the United States, Select Committee on Ex Parte Communications. I would have preferred a rule requiring that, after commencement of a trade regulation rulemaking proceeding, all written communications from any person not employed by the Commission received by any Commissioner and addressed to the merits of the proposed rule be placed on the public record. In addition, all oral communications of substantive significance from any person not employed by the Commission addressed to the merits of the proposed rule and made privately to any Commissioner would be required to be summarized and placed on the public record. It has been my policy in the past, when meeting with any person outside the agency concerning agency business, to have an FTC staff member present, and I would have continued this policy.

The solution I would have preferred is consistent with the current emphasis on open government conducive to developing all relevant information and the accessibility of government decision-makers to any member of the public. It is also consistent with the traditionally flexible, legislative nature of informal rulemaking. At the same time, this solution would have ensured that the public and reviewing courts were provided with a record of all considerations presented to the agency.

[FR Doc.77-25666 Filed 8-31-77;8:45 am]

SUBCHAPTER A—ORGANIZATION, PROCEDURES, AND RULES OF PRACTICE

PART 4—MISCELLANEOUS RULES

Restrictions on Ex Parte Communications

AGENCY: Federal Trade Commission.

ACTION: Final rule.

SUMMARY: The rule amends the Commission's Rules of Practice to reflect the provisions of the Government in the Sunshine Act, and to clarify the coverage of the rule with respect to communications between Commission decisionmakers and Commission staff.

EFFECTIVE DATE: September 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Jerome A. Tintle, Office of the General Counsel, Federal Trade Commission, Washington, D.C. 20580 (202-523-3487).

SUPPLEMENTARY INFORMATION: The Commission published a notice of proposed rulemaking at 42 FR 33041 (June 29, 1977) inviting comments to be filed by July 29, 1977 on a proposed amendment of § 4.7 of the Commission's Rules of Practice. The amendments reflect the provisions of section 4 of the Government in the Sunshine Act, Pub. L. 94-409. No comments were received.

Accordingly, 16 CFR 4.7 is amended to read as follows:

§ 4.7 Ex Parte Communications.

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

(b) *Prohibited ex parte communications.* While a proceeding is in adjudicative status within the Commission, except to the extent required for the disposition of *ex parte* matters as au-

thorized by law, (1) no person not employed by the Commission, and no employee or agent of the Commission who performs investigative or prosecuting functions in adjudicative proceedings, shall make or knowingly cause to be made to any member of the Commission, or to the Administrative Law Judge, or to any other employee who is or who reasonably may be expected to be involved in the decisional process in the proceeding, an ex parte communication relevant to the merits of that or a factually related proceeding; and (2) no member of the Commission, the Administrative Law Judge, or any other employee who reasonably may be expected to be involved in the decisional process in the proceeding, shall make or knowingly cause to be made to any person not employed by the Commission, or to any employee or agent of the Commission who performs investigative or prosecuting functions in adjudicative proceedings, an ex parte communication relevant to the merts of that or a factually related proceeding.

(c) *Procedures.* A Commissioner, the Administrative Law Judge or any other employee who is or who may reasonably be expected to be involved in the decisional proces who receives or who makes or knowingly causes to be made, a communication prohibited by paragraph (b) of this section shall promptly provide to the Secretary of the Commission: (1) All such written communications; (2) memoranda stating the substance of and circumstances of all such oral communications; and (3) all written responses, and memoranda stating the substance of all oral responses, to the materials described in clauses (1) and (2) of this subsection. The Secretary shall make relevant portions of any such materials part of the public record of the Commission, pursuant to Section 4.8, and place them in the docket binder of the proceeding to which it pertains, but they will not be considered by the Commission as part of the record for purposes of decision unless introduced into evidence in the proceeding. The Secretary shall also send copies of the materials to or otherwise notify all parties to the proceeding.

(d) *Sanctions.* (1) Upon receipt of an ex parte communication knowingly made or knowingly caused to be made by a party and prohibited by paragraph (b) of this section, the Commission, Administrative Law Judge, or other employee presiding over the proceeding may, to the extent consistent with the interests of justice and the policy of the underlying statutes administered by the Commission, require the party to show cause why his claim or interest in the proceeding should not be dismissed, denied, disregarded, or otherwise adversely affected on account of such violation. The Commission may take such action as it considers appropriate, including but not limited to, action under Section 4.1 (e) (2) and 5 U.S.C. Section 556(d).

(2) A person, not a party to the proceeding who knowingly makes or causes to be made an ex parte communication prohibited by paragraph (b) of this section shall be subject to all sanctions provided herein if he subsequently becomes a party to the proceeding.

(e) The prohibitions of this section shall apply from the time the Commission votes to issue a complaint in an adjudicative proceeding or votes to conduct adjudicative hearings on issues arising in rulemaking proceedings under the Fair Packaging and Labeling Act.

(f) The prohibitions of paragraph (b) of this section do not apply to communications between Commissioners and employees or agents of the Commission who perform investigative or prosecutorial functions in adjudicative proceedings, when such communications are occasioned by and concern: (1) the initiation, conduct or disposition of a separate investigation or adjudicative proceeding, whether or not it involves a party already in an adjudicative proceeding; (2) proceedings outside the scope of Section 3.2, including matters in state or federal courts and before other governmental agencies; (3) nonadjudicative functions of the Commission, including but not limited to obligations under § 4.11 or communictions with Congress; or (4) the disposition of a consent settlement under § 3.25 executed by some but not all respondents. *Provided however,* That to the extent such communications relate to a fact in issue in a pending adjudicative proceeding, such portions will be placed in the docket binder of the proceeding to which it pertains. The prohibitions of paragraph (b) of this section also do not aply to communications between Commissioners, the Administrative Law Judge, or any other employee who is involved in the decisional process, and any employee who has been directed by the Commission or requested by an individual Commissioner or Administrative Law Judge, to assist in the decision of an adjudicative proceeding. Such employee shall not, however, have performed an investigative or prosecutorial function in that or a factually related proceeding.

By direction of the Commission.

JAMES A. TOBIN,
Acting Secretary.

[FR Doc.77-25673 Filed 8-31-77;8:45 am]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. R-77; 3322]

PART 1912—SALE OF INSURANCE AND ADJUSTMENT OF CLAIMS

Servicing Companies

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The purpose of this notice is to provide an update of § 1912.7 and of Title 24 of the Code of Federal Regulations as previously published.

DATES: September 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard W. Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or Toll Free Line 800-424-8872, Room 5270, 451 Seventh Street, Southwest, Washington, D.C. 20410.

The entries are to read as follows:

§ 1912.7 Servicing Companies.

The following servicing companies have been designated to issue standard flood insurance policies and service claims under those policies pursuant to the Natural Flood Insurance Program as implemented by this subchapter of Title 24 of the Code of Federal Regulations.

ALABAMA

The Hartford Insurance Group, Atlanta Center, 250 Piedmont Avenue NW., P.O. Box 1720, Atlanta, Ga. 30308 (404-658-1414).

ALASKA

Industrial Indemnity Company of Alaska, P.O. Box 307, Anchorage, Alaska 99510 (907-278-9441).

ARIZONA

Aetna Technical Services, Inc., 3225 North Central Avenue, Phoenix, Ariz. 85102 (602-264-8821).

ARKANSAS

The Travelers Indemnity Company, 700 South University, P.O. Box 51, Little Rock, Ark. 72203 (501-664-5085).

CALIFORNIA

Fireman's Fund American Insurance Co., P.O. Box 2323, Los Angeles, Calif. 90051 (213-381-3141).

COLORADO

CNA Insurance, 1660 Lincoln Street—Suite 1800, Denver, Colo. 80203 (303-861-0561).

CONNECTICUT

Aetna Insurance Company, P.O. Box 1779, Hartford, Conn. 06101 (203-523-4861).

D.C.—DISTRICT OF COLUMBIA

DISTRICT OF COLUMBIA

Insurance Company of North America, 5225 Wisconsin Avenue, NW., Washington, D.C. 20015 (202-244-2000).

DELAWARE

General Accident F&L Assurance Corp., Ltd., 414 Walnut Street, Philadelphia, Pa. 19106 (215-238-5512).

FLORIDA

The Travelers Indemnity Company, 1516 East Colonial Drive, Orlando, Fla. 32803 (305-896-2001). Toll free: (800-432-4876).

GEORGIA

The Hartford Insurance Group, Atlanta Center, 250 Piedmont Avenue NW., P.O. Box 1720, Atlanta, Ga. 30308 (404-658-1414).

HAWAII

First Insurance Company of Hawaii, Ltd., P.O. Box 2866, Honolulu, Hawaii 96803 (808-548-5511).

IDAHO

Aid Insurance Company, Snake River Division, 1845 Federal Way, Boise, Idaho 83701 (208-343-4931).

ILLINOIS

State Farm Fire & Casualty Company, 2309 East Oakland Avenue, Bloomington, Ill. 61709 (309—662-6742).

INDIANA

American States Insurance Company, 500 North Meridian Street, Indianapolis, Ind. 46204 (317—262-6696).

IOWA

Employers Mutual Casualty Company, P.O. Box 884, Des Moines, Iowa 50304. (515—280-2511).

KANSAS

Royal-Globe Insurance Companies, 5200 West 110th Street, P.O. Box 7600, Overland Park, Kans. 66207 (913—341-7600).

KENTUCKY

CNA Insurance, 580 Walnut Street, Suite 1000, Cincinnati, Ohio 45202 (513—579-9000).

LOUISIANA

Aetna Technical Services, Inc., 2025 Canal Street—Suite 210, New Orleans, La. 70112 (504—821-3626).

MAINE

Commercial Union Assurance Company, c/o Campbell, Payson & Noyes, 27 Pearl Street, Box 527 Pearl Street Station, Portland, Maine 04116 (207—774-1431). Toll free: (800—482-0131).

MARYLAND

U.S. Fidelity & Guaranty Company, Metropolitan Department, Baltimore Branch Office, P.O. Box 13576, Baltimore, Md. 21203 (301—547-3605, 3697, 3698). Toll free: (800—492-1966).

MASSACHUSETTS (EASTERN)

Commercial Union Assurance Company, 1 Beacon Street, Boston, Mass. 02108 (617—725-6128).

MASSACHUSETTS (WESTERN)

Aetna Insurance Company, P.O. Box 1779, Hartford, Conn. 06101 (203—523-4861).

MICHIGAN

Insurance Company of North America, 900 Tower Drive, Troy, Mich. 48098 (313—879-5250), (313—879-5254).

MINNESOTA (EASTERN)

The St. Paul Companies, 60 E. Marie Avenue, West St. Paul, Minn. 55118 (612—455-6600).

MINNESOTA (WESTERN)

The St. Paul Companies, 7900 Xerxes Avenue, South, Minneapolis, Minn. 55431 (612—835-2600).

MISSISSIPPI

The Travelers Indemnity Company, 5360 Interstate 55 North, P.O. Box 2361, Jackson, Miss. 39205 (601—956-5600).

MISSOURI (EASTERN)

MFA Insurance Company, 1817 West Broadway, Columbia, Mo. 65201 (314—445-8441)

MISSOURI (WESTERN)

Royal-Globe Insurance Company, 5200 West 110th Street, P.O. Box 7600, Overland Park, Kans. 66207 (913—341-7600).

MONTANA

The St. Paul Fire and Marine Co., The Hamm Building—Room 254, 408 St. Paul Street, St. Paul, Minn. 55102 (612—227-9581).

NEBRASKA

Royal-Globe Insurance Company, 5200 West 110th Street, P.O. Box 7600, Overland Park, Kans. 66207 (913—341-7600).

NEVADA

The Hartford Insurance Group, P.O. Box 500, Reno, Nev. 89504 (702—329-1061).

NEW HAMPSHIRE

Commercial Union Assurance Company, 1 Beacon Street, Boston, Mass. 02108 (617—725-6128).

NEW JERSEY

Great American Insurance Company, 5 Dakota Drive, Lake Success, N.Y. 11040 (201—224-4200).

NEW MEXICO

CNA Insurance, 1660 Lincoln Street—Suite 1800, Denver, Colo. 80203 (303—861-0561).

NEW YORK

Great American Insurance Company, 5 Dakota Drive, Lake Success, N.Y. 11040 (516—755-6900).

NORTH CAROLINA

Kemper Insurance, 1229 Greenwood Cliff, Charlotte, N.C. 28204 (704—372-7150).

NORTH DAKOTA

The St. Paul Companies, The Hamm Building—Room 254, 408 St. Peter Street, St. Paul, Minn. 55102 (612—227-9581).

OHIO (NORTHERN)

Commercial Union Insurance Company, 1300 East 9th Street, Cleveland, Ohio 44114 (216—522-1060).

OHIO (SOUTHERN)

CNA Insurance, 580 Walnut Street, Suite 1000, Cincinnati, Ohio 45202 (513—579-9000).

OKLAHOMA

St. Paul Fire and Marine Insurance Companies, 2000 Classen Center North, Oklahoma City, Okla. 73106 (405—528-7041).

OREGON

State Farm Fire & Casualty Company, 4600 25th Avenue NE., Salem, Oreg. 97303 (503—393-0101).

PENNSYLVANIA

General Accident F&L Assurance Corp., Ltd., 414 Walnut Street, Philadelphia, Pa. 19106 (215—238-5512).

PUERTO RICO

Commonwealth Insurance Company, P.O. Box S-4471, San Juan, P.R. 00905 (809—723-4618).

RHODE ISLAND

American Universal Insurance Company, 144 Wayland Avenue, Providence, R.I. 02904.

SOUTH CAROLINA

Maryland Casualty Company, P.O. Box 11615, Charlotte, N.C. 28209 (704—525-8330).

SOUTH DAKOTA

The St. Paul Companies, The Hamm Building—Room 254, 408 St. Peter Street, St. Paul, Minn. 55102 (612—227-9581).

TENNESSEE

CNA Insurance, P.O. Box 410, 1101 Kermit Drive, Nashville, Tenn. 37217 (615—367-0500).

TEXAS

St. Paul Fire & Marine Insurance Co., 2100 Travis Street, 9th Floor, Houston, Tex. 77002 (713—654-9984).

UTAH

CNA Insurance, 1660 Lincoln Street—Suite 1800, Denver, Colo. 80203 (303—759-1500).

VERMONT

Commercial Union Assurance Company, 1 Beacon Street, Boston, Mass. 02108 (617-725-6128).

VIRGINIA

Insurance Company of North America, 5225 Wisconsin Avenue NW., Washington, D.C. 20015 (202-244-2000).

WASHINGTON

Fireman's Fund American Insurance Co., 1000 Plaza Building 600, 6th and Stewart, Seattle, Wash. 98101 (206-587-3200).

WEST VIRGINIA

U.S. Fidelity & Guaranty Company, 3324 McCorkle Avenue SE., Charleston, W. Va. 25304 (304-344-1692).

WISCONSIN

Aetna Insurance Company, 5735 East River Road, Chicago, Ill. 60631 (312-693-2500).

WYOMING

CNA Insurance, 1660 Lincoln Street—Suite 1800, Denver, Colo. 80203 (303-861-0561).

VIRGIN ISLANDS

Commonwealth Insurance Company, P.O. S-4471, San Juan, Puerto Rico 00905 (809-723-4618).

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969) as amended, 39 F.R. 2787, Jan. 24, 1974.

Issued: August 16, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-25557 Filed 8-31-77;8:45 am]

Title 25—Indians

CHAPTER I—BUREAU OF INDIAN AFFAIRS, DEPARTMENT OF THE INTERIOR

SUBCHAPTER X—HOUSING

PART 261—HOUSING IMPROVEMENT PROGRAM

Program Category Cost Limitations

AUGUST 22, 1977.

AGENCY: Bureau of Indian Affairs, Department of the Interior.

ACTION: Rulemaking.

SUMMARY: The purpose of the amendment is to increase the cost limitation of the program categories. This change is made to meet the increasing prices in labor and materials.

DATES: This amendment will become effective September 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. G. Ronald Peake, Chief, Division of Housing Assistance, Bureau of Indian Affairs, U.S. Department of the Interior, Washington, D.C. 20245, (202-343-4876), who is also primary author of this amendment.

This rulemaking is being published in exercise of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2.

Part 261 of Subchapter X, Chapter I of Title 25 of the Code of Federal Regulations is amended by amending § 261.4(b) (3) and (d) (3) to read:

§ 261.4 Program categories.

* * * * *

(b) * * *

(3) The cumulative total expenditure of the Housing Improvement Program funds should not exceed $13,000 for any one dwelling.

* * * * *

(d) * * *

(3) The cumulative total expenditure of funds may not exceed $30,000 for a dwelling and equipment. (In the case of Alaska, the total expenditure of funds may not exceed $40,000.) The occupant will be responsible for all maintenance of the completed dwelling, and all utility fees, deposits or costs required for service. All contractor built houses must contain a one-year warranty against defects, materials, and workmanship.

* * * * *

RAYMOND V. BUTLER,
Acting Deputy Commissioner.

[FR Doc.77-25493 Filed 8-31-77;8:45 am]

Title 45—Public Welfare

CHAPTER II—SOCIAL AND REHABILITATION SERVICE (ASSISTANCE PROGRAMS) DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

MEDICAL ASSISTANCE PROGRAM

Title Change

AGENCY: Health Care Financing Administration, (HCFA), HEW.

ACTION: Final rule.

SUMMARY: This rule amends current regulations for the medical assistance program (Title XIX, Social Security Act) to reflect the change in title of the official responsible for the Medicaid program in the regions. The change in title results from a recent HEW reorganization. Under the Departmental Reorganization Order published March 9, 1977 (42 FR 13262), certain responsibilities for the medical assistance program formerly held by the Social and Rehabilitation program (SRS) were transferred to HCFA.

EFFECTIVE DATE: June 20, 1977.

FOR FURTHER INFORMATION CONTACT:

Margaret O. Schnoor, 202-245-1960.

SUPPLEMENTARY INFORMATION: Current regulations in Title 45, Chapter II, assign certain authorities for action on medical assistance program matters to the Regional Commissioner, SRS. Examples are approval of State plans, approval of cost-finding methods, etc. Under the March 9, 1977 reorganization, these matters are now within HCFA jurisdiction and the authorities will be exercised by the Regional Medicaid Director.

The Department finds that there is good cause to dispense with notice of proposed rulemaking since this change of designation is required by the Department's reorganization and merely reflects the abolishment of SRS and the establishment of HCFA, with corresponding changes in exercise of authority by regional officials. No substantive changes in authority result from this redesignation. Accordingly, notice of proposed rulemaking and public comment would serve no useful purpose and would result in unnecessary delays in conducting the Department's business.

Parts 200-299, Chapter II, Title 45 of the Code of Federal Regulations are amended as follows:

PART 201—GRANTS TO STATES FOR PUBLIC ASSISTANCE PROGRAMS

PART 205—GENERAL ADMINISTRATION—PUBLIC ASSISTANCE PROGRAMS

1. In Parts 201 and 205, all references to "Regional Commissioner" and "SRS Regional Commissioner" are changed to "Regional Commissioner, or with respect to the medical assistance program under title XIX, Regional Medicaid Director".

PART 249—SERVICES AND PAYMENT IN MEDICAL ASSISTANCE PROGRAMS

2. In Part 249 all references to the "Regional Commissioner", "SRS Regional Commissioner", "Regional Commissioner, Social and Rehabilitation Service" and "Social and Rehabilitation Service Regional Commissioner" are changed to "Regional Medicaid Director".

PART 250—ADMINISTRATION OF MEDICAL ASSISTANCE PROGRAMS

3. In Part 250 all references to the "Regional Commissioner", "SRS Regional Commissioner", "Regional Commissioner, Social and Rehabilitation Service" and "Social and Rehabilitation Service Regional Commissioner" are changed to "Regional Medicaid Director".

§ 250.70 [Amended]

4. In Part 250, § 250.70(a)(2), "The Regional Office of the Special (Sic) and Rehabilitation Service" is changed to "the Regional Office of the Health Care Financing Administration."

PART 252—MEDICAL ASSISTANCE PROGRAMS: RELATED RESPONSIBILITIES

5. In Part 252, all references to the "Regional Commissioner", "SRS Regional Commissioner", "Regional Commissioner, Social and Rehabilitation Service" and "Social and Rehabilitation Service Regional Commissioner" are changed to "Regional Medicaid Director".

(Sec. 1102, 49 Stat. 647 (42 U.S.C. 1302).)

(Catalog of Federal Domestic Assistance Program No. 13.714, Medical Assistance Program.)

NOTE.—The Health Care Financing Administration has determined that this document does not require preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Dated: August 15, 1977.

ROBERT A. DERZON,
Administration, Health Care Financing Administration.

Approved: August 27, 1977.

HALE CHAMPION,
Acting Secretary.

[FR Doc.77-25537 Filed 8-31-77;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 32—HUNTING

Opening of National Wildlife Refuges in Oklahoma and Texas to Hunting

OKLAHOMA

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulation.

SUMMARY: The Director has determined that the opening to hunting of Salt Plains National Wildlife Refuge is compatible with the objectives for which the area was established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public.

DATES: October 22 through November 27, 1977.

FOR FURTHER INFORMATION CONTACT:

Refuge Manager, Salt Plains National Wildlife Refuge, Route 1, Box 49, Jet, Okla. 73749; Telephone: 405-626-4794.

SUPPLEMENTARY INFORMATION:

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

Public hunting of deer is permitted on Salt Plains National Wildlife Refuge, but only on the area designated by signs as open to hunting. This open area, comprising 2,341 acres, is delineated on maps available at refuge headquarters, and from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, N. Mex. 87103. Participants will be determined through special drawing. Applications must be made on special pre-addressed forms. General instructions for obtaining and completing these special application forms are available from Salt Plains National Wildlife Refuge, or from the Oklahoma Department of Wildlife Conservation, 1801 N. Lincoln, Oklahoma City, Okla. 73105. Special applications must be obtained in the manner outlined in these general instructions no earlier than July 11, 1977, and no later than August 22, 1977. Completed applications must be submitted by August 22, 1977. Hunting shall be in accordance with all State regulations covering the hunting of deer subject to the following special conditions:

1. The dates of the bow hunting season shall be October 22, 23, 29, and 30, 1977.

2. The dates of the primitive rifle hunting season shall be November 5 and 6, 1977.

3. The dates of the modern gun hunting season shall be November 19, 20, 22, 23, 26, and 27, 1977.

4. Hunters must check in at the refuge office prior to entering the assigned hunting area and must check out at the refuge office upon leaving the area.

5. Shooting hours on the refuge will end each day at sunset.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32. The public is invited to offer suggestions and comments at any time.

NOTE.—The U.S. 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.

TEXAS

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulation.

SUMMARY: The Director has determined that the opening to hunting of Aransas National Wildlife Refuge is compatible with the objectives for which the area was established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public.

DATES: September 22 through October 9, 1977.

FOR FURTHER INFORMATION CONTACT:

Refuge Manager, Aransas National Wildlife Refuge, Box 68, Austwell, Tex. 77950; Telephone: 512-286-3559.

SUPPLEMENTARY INFORMATION:

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

Public archery hunting of deer and feral hogs on a portion of the Aransas National Wildlife Refuge is permitted from noon September 22 through September 26, 1977; September 30 through October 3, 1977; and October 7 through October 9, 1977. That portion of the refuge open to hunting is designated by signs and delineated on maps available at refuge headquarters, and from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, N. Mex. 87103. Hunting shall be in accordance with all State and Federal regulations covering the hunting of deer and feral hogs subject to the following special conditions:

1. A bag limit of 3 deer, either sex, but not to include more than 2 bucks, may be taken by each hunter. There is no limit as to the number of feral hogs that may be taken.

2. All hunters must check in and out of the hunt area at the refuge entrance on Texas Farm Road 2040.

3. A valid 1977-78 Texas hunting license is required of each participant. A current State archery tag is also required.

4. All hunting arrows must bear the name and address of the user in a nonwater-soluble medium.

5. No target or field arrows are permitted on the refuge.

6. Taking, or attempting to take wildlife species other than deer or feral hogs is prohibited.

7. All motor vehicles must travel only on the shell-surfaced roads of the refuge.

8. No deer may be removed from the refuge without a metal transportation seal being attached to the carcass by a refuge officer.

9. In the event of the arrival of whooping cranes, the refuge or any portion thereof may be immediately closed to hunting.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32. The public is invited to offer suggestions and comments at any time.

NOTE.—The U.S. 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: August 26, 1977.

JERRY L. STEGMAN,
Acting Regional Director,
Albuquerque, N. Mex.

[FR Doc.77-25601 Filed 8-31-77;8:45 am]

PART 32—HUNTING

Opening of the J. Clark Salyer National Wildlife Refuge, North Dakota, to Hunting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulation.

SUMMARY: The Director has determined that the opening to hunting of J. Clark Salyer National Wildlife Refuge is compatible with the objectives for which the area was established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public.

DATES: October 1, 1977, through November 20, 1977; November 24, 1977, through November 27, 1977.

FOR FURTHER INFORMATION CONTACT:

Jon M. Malcolm, J. Clark Salyer National Wildlife Refuge, Upham, N. Dak. 58789, Telephone No. 701-768-3223.

SUPPLEMENTARY INFORMATION:

§ 32.12 Special regulations; migratory gamebirds; for individual wildlife refuge areas.

Hunting of geese is permitted on the J. Clark Salyer National Wildlife Refuge, North Dakota, from October 1, 1977 through December 11, 1977 (Canada Geese season closes November 13, 1977), and hunting of ducks and coots is permitted from October 1, 1977, through November 20, 1977, and November 24, 1977 through November 27, 1977, only on the area designated by signs as open to migratory waterfowl hunting. This open area comprising 2,850 acres is delineated on a map available at the refuge headquarters and from the office of the Regional Director, P.O. Box 25486, Denver Federal Center, Denver, Colo. 80225. Hunting shall be in accordance with all applicable State regulations subject to the following conditions:

1. Blinds—Temporary blinds of approved material may be constructed.

2. Retrieving zones—Retrieving zones will be designated by signs. Possession of firearms in retrieving zones is prohibited.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32. The public is invited to offer suggestions and comments at any time.

NOTE.—The U.S. 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: August 25, 1977.

JON M. MALCOLM,
Refuge Manager.

[FR Doc.77-25602 Filed 8-31-77;8:45 am]

PART 32—HUNTING

Opening of Swan Lake National Wildlife Refuge, Missouri, to Public Hunting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulation.

SUMMARY: The Director has determined that the opening to public hunting of Swan Lake National Wildlife Refuge is compatible with objectives for which the area was established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public.

DATES: October 25, 1977, through December 8, 1977, or until the harvest quota of 25,000 Canada geese is reached whichever occurs first.

FOR FURTHER INFORMATION CONTACT:

Alfred O. Manke, P.O. Box 68, Sumner, Missouri 64681. Telephone—AC816/856-3323.

SUPPLEMENTARY INFORMATION:

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

Public hunting for geese only is permitted only on designated areas comprising 2,500 acres within Swan Lake National Wildlife Refuge, Missouri. Hunting shall be in accordance with all applicable State and Federal regulations subject to the following conditions:

1. Each hunter must obtain a State permit issued at the checking station

prior to hunting, hunt only from his lottery-assigned blind, fire no more than ten (10) shells, and include not more than one (1) Canada goose in his daily bag.

2. Authorized officials may retrieve legally shot geese falling inside the refuge boundary for the hunters who shot them.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50 Code of Federal Regulations, Part 32. The public is invited to offer suggestions and comments at any time.

NOTE.—The U.S. 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: August 26, 1977.

ALFRED O. MANKE,
Refuge Manager.

[FR Doc.77-25603 Filed 8-31-77;8:45 am]

PART 33—SPORT FISHING

Opening of Seedskadee National Wildlife Refuge, Wyoming, to Sport Fishing

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulation.

SUMMARY: The Director has determined that the opening to sport fishing of Seedskadee National Wildlife Refuge is compatible with the objectives for which the area was established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public.

DATES: January 1, 1978, through December 31, 1978.

FOR FURTHER INFORMATION CONTACT:

H. J. Johnson, Refuge Manager, Seedskadee National Wildlife Refuge, Fontenelle Route, Via Kemmerer, Wyo. 83101 Area Code 307-877-6334.

SUPPLEMENTARY INFORMATION:

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

Sport fishing is permitted on Seedskadee National Wildlife Refuge, Wyo. All of the refuge area, comprising 14,284 acres, and so designated by signs, is open to sport fishing. Maps of the area are available at the refuge office, Fontenelle Route, Via Kemmerer, Wyo. 83101 and from the office of the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 25486, Denver Federal Center, Denver, CO 80225. Sport fishing shall be in accordance with all applicable State regulations.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50 Code of Federal Regulations, Part 33. The public is invited to offer suggestions and comments at any time.

NOTE.—The U.S. 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.

AUGUST 24, 1977.

H. J. JOHNSON,
Refuge Manager.

[FR Doc.77-25600 Filed 8-31-77;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

Farmers Home Administration

[7 CFR Part 1822]

[FmHA Instruction 444.3]

RURAL HOUSING LOANS AND GRANTS

Section 502 Rural Housing Weatherization Loans

AMENDMENT.

AGENCY: Farmers Home Administration, USDA.

ACTION: Proposed rulemaking.

SUMMARY: The Farmers Home Administration (FmHA) is considering revising its regulations to make section 502 Rural Housing Weatherization (RHW) loans available to rural consumers of Public Utilities (utilities). The revisions will also allow RHW loan funds to be used to pay for inspection and technical services provided by the utility and thereby extend the availability of the program. This action is brought about by the need to extend this credit to more members of the public.

DATES: Comments must be received on or before October 3, 1977.

ADDRESSES: Submit written comments to the Office of the Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6316, Washington, D.C. 20250. All written comments made pursuant to this notice will be made available for public inspection at the address given above.

FOR FURTHER INFORMATION CONTACT:

Mr. Edward R. Tuner, (202-447-4296).

SUPPLEMENTARY INFORMATION: It is proposed to amend Subpart B of Part 1822, Chapter XVIII, Title 7, Code of Federal Regulations. This amendment will provide simplified procedures for making and servicing FmHA Section 502 Rural Housing loans to finance home improvements that will reduce energy consumption for rural homeowners and will include rural public utility consumers. At the present time only Rural Electric Cooperative Consumers may use the simplified procedures. Under the provisions of the Cooperative Agreement which is attached as Exhibit A to this subpart, participating utilities will receive applications and process, close, and service section 502 Rural Housing Weatherization loans for eligible utility consumers. The Farmers Home Administration will determine the eligibility of applicants, and approve the loans based upon certifications provided by the applicants and the utility. The amendment also allows loan funds to be used for inspection and technical services provided by the utility. Editorial changes have also been made.

As proposed, Subpart B reads as follows:

SUBPART B—SECTION 502 RURAL HOUSING WEATHERIZATION LOANS

Sec.

1822.21 General.
1822.22 Objective.
1822.23 Cooperative Agreement.
1822.24 Loan approval authority.
1822.25 County office responsibilities.
1822.26 State Director's responsibilities.

AUTHORITY: 42 U.S.C. 1480, 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.

Subpart B—Section 502 Rural Housing Weatherization Loans

§ 1822.21 General.

This Regulation provides policies and procedures and delegates the authority for processing and approving Section 502 Rural Housing Weatherization (RHW) loans made under Title V of the Housing Act of 1949, as amended. Public Utilities (utilities) are amortized herein to process and service Section 502 rural housing loans to utility consumers for weatherization purposes. Loans will be made in accordance with this regulation and 7 CFR Part 1822, Subpart A §§ 1822.3 (c), and (d), and § 1822.5 (FmHA Instruction 444.1, paragraphs III C and D and paragraph V). Subpart A of § 1822.3 (e), (n), (o), and § 1822.4 (FmHA Instruction 444.1, paragraph (E), (N), (O), and paragraph IV) also are applicable to this regulation, except as modified herein or in Exhibit A.

§ 1822.22 Objective.

The objective of the Farmers Home Administration (FmHA) in making Section 502 RHW loans is to assist rural homeowners in making improvements to their homes that will reduce energy consumption and provide a more comfortable living environment for their families, or in the case of farmowners, for tenants, sharecroppers, farm managers, or farm laborers living in houses located on their farms.

§ 1822.23 Cooperative agreement.

Exhibit A of this regulation is a Cooperative Agreement which sets forth the procedures and regulations for making and servicing Section 502 RHW loans to consumers served by participating utilities. The FmHA State Director is authorized to enter into a Cooperative Agreement with any public utility with headquarters located in his State. He will be responsible for providing sufficient training to ensure that all of the provisions of the agreement are understood and that the utility has the ability to make and service loans in the manner prescribed.

§ 1822.24 Loan approval authority.

The Director, Finance Office or his delegated representative will be the authorized approval official for Section 502 RHW Loans. Loans will be approved based solely upon information and certifications on the completed Form FmHA 444-20, "Application and Promissory Note for Rural Housing Weatherization." The certifications will be as follows:

(a) Applicant certifies:

(1) That the applicant has an ownership interest in the housing to be weatherized and it is occupied by the applicant or is located on the applicant's farm and is occupied by a tenant, sharecropper, farm manager or farm laborer.

(2) The adjusted annual income of all adults residing with the applicant.

(3) That with the addition of the weatherization improvements, the housing being improved will provide decent, safe, and sanitary living conditions.

(4) The applicant will, at the request of the FmHA, proceed with diligence to refinance the indebtedness through cooperative or other responsible private credit sources whenever the FmHA determines that the applicant's circumstances and earning capacity are such that the applicant is able to do so upon reasonable terms and conditions, and that the occupancy of the housing will continue as provided in paragraph (a) (1) of this section.

(5) That the applicant has received Form FmHA 410-9, "Statement Required by the Privacy Act."

(6) That the applicant is unable to provide the weatherization improvement needed with the applicant's own resources and that the applicant is unable to secure the credit necessary for this purpose from other sources upon terms and conditions which the applicant can reasonably be expected to fulfill. The applicant certifies that the statements made in the application are true, complete and correct to the best of the applicant's knowledge and belief, and they are made in good faith to obtain a loan.

(b) The utility certifies:

(1) The applicant's property is located in a rural area as set forth in the Cooperative Agreement.

(2) The applicant has paid bills owed to the utility in a satisfactory manner.

(3) The information furnished by the applicant is correct to the best of the utility's knowledge.

(4) The weatherization work has been completed to the satisfaction of the applicant who has authorized payment.

(5) The required Truth in Lending Form and Privacy Act Form have been delivered to the applicant.

§ 1822.25 County Office responsibilities.

(a) *Loan making.* County Offices will not process or approve Section 502 RHW loans authorized by this regulation. However, applicants for weatherization loans who are not participating utility consumers or who do not appear to be eligible for an RHW loan will be referred to the FmHA. The applications will be handled in accordance with Part 1822 Subpart A or Part 1904 Subpart G as appropriate.

(b) *Loan servicing.* When a utility notifies the FmHA Finance Office that an RHW loan is 90 days delinquent and forwards the loan account records to the Finance Office, the loan will be assigned a county office code, a case number, and loan number. Form FmHA 444-20 will be forwarded to the Finance Office through the State Office to the appropriate county office for further servicing in accordance with the appropriate FmHA Regulation.

§ 1822.26 State Director's responsibility.

In addition to the administrative policy matters covered in item (J) of the Cooperative Agreement, the State Director should request an additional allocation of loan funds if they are needed in his State(s). The State Director is responsible for seeing that his State's funding allocations are not exceeded, and that the utility is notified in the future of any interest rate, income limit, or other program changes. Also, the utilities are to be provided the list of historic places and historic districts so that the utility is able to notify the State Director so that he can comply with the National Historic Preservation Act of 1966, as amended; and Executive Order 11593, including the procedures prescribed by the advisory council on Historic Preservation in 36 CFR Part 800.

EXHIBIT A

COOPERATIVE AGREEMENT

between

---

and

FARMERS HOME ADMINISTRATION

Purpose

This Cooperative Agreement and attachments established authorities and procedures whereby the _____,
(Name of organization)

_____ _____
(Address) (Phone No.)

a _____ utility,
(Enter type of utility such as Rural Electric Co-op, Gas, Water, or Investor Owned Electric Company)

hereinafter referred to as the "utility," will process and service section 502 rural housing (RHW) loans, authorized under the Housing Act of 1949, to weatherize the dwellings of its consumers. It is agreed that the utility will receive loan applications and process, close, and service loans as provided in this agreement. The Farmers Home Administration, hereinafter referred to as the "FmHA," will determine the eligibility of applicants for loans for authorized purposes, based upon certifications provided by the applicant and the utility and will approve the loans.

Effective date of this memorandum

This agreement shall be effective on the date of the last signature hereto.

Duration of agreement

This agreement shall continue to be in effect until all loans made are collected by the utility or returned to the FmHA for servicing because of delinquency or other justified reasons.

Policies

The utility will inform its consumers that FmHA loans will be made available to eligible applicants through the utility. Loans will be made under the existing laws and regulations governing the FmHA and utility. Regulations and guidance for loan making and loan servicing are provided in this part of the agreement.

A. *Loan Eligibility.* Loans may be made to applicants who:

1. Have an ownership interest in the housing to be weatherized. The housing must either be occupied by the applicant or be located on the applicant's farm and occupied by his/her tenant, sharecropper, farm manager, or farm laborer. The housing must be served by the utility and located in a rural area. A rural area is defined in 7 CFR 1822.3 (c) and identified by the State Director pursuant to paragraph N, 1 of this agreement. The dwelling, after improvements are completed, must be adequate for the family needs and be decent, safe, and sanitary.

2. Have an income of not more than the moderate-income limit for the State, as set forth in Exhibit D of FmHA Instruction 444.1 available in any FmHA office. For the purpose of this agreement, "income" is defined as the net business income plus gross income from all other sources planned to be received during the next 12 months by all adults who will occupy the applicant's home.

3. Are unable to pay for the needed improvements without a loan and are unable to obtain a loan from another source on terms they could reasonably expect to meet.

B. *Terms.*—1. The interest rate used will be the rate in effect for FmHA Section 502 RH loans on the date the application is submitted to the utility. The FmHA State Director will notify the utility of the interest rate to be charged.

2. The loan will not exceed $1,500 (except in Alaska not to exceed $3,000) and will be evidenced by a promissory note on Form FmHA 444-20, "Application and Promissory Note for Rural Housing Weatherization Loan."

3. The term of the loan will not exceed 5 years. Shorter repayment periods are recommended for smaller loans.

C. *Loan Purposes.* Loan funds may be used to buy and install weatherproofing items such as insulation, siding, caulking material, and storm windows and doors. Loan funds of not more than $25 (except in Alaska, not to exceed $50) plus 1 percent of the cost of weatherization work may be used to pay for technical services such as determining the type and amount of weatherization improvements needed and obtaining cost estimates, or inspections made or arranged for by the utility to insure that weatherization improvements are properly completed.

D. *Minimum Standards.* Weatherization improvements must meet FmHA's minimum standards for existing housing (at this time, HUD MPS 4900.1 § 100-3), or standards established by the utility, whichever are greater. All improvements to the property will conform to applicable laws, ordinances, codes, and regulations which relate to the safety and the sanitation of the dwelling.

E. *Loan Processing.*—1. The utility will assist its consumers in completing an application and promissory note on Form FmHA 444-20.

2. The utility will provide or arrange for technical assistance as needed to determine improvements to be made and their costs.

3. The utility will certify that the applicant has paid bills owned to the utility in a satisfactory manner, and process loans for eligible applicants. Applicable Loan Disclosure and Truth in Lending requirements must be met by the utility.

4. The utility may contract with the applicant to do the weatherization work or arrange for the improvements to be installed by a contractor satisfactory to the utility and the applicant. In either case, the applicant will sign a contract agreement covering the planned improvements. Also, the applicant may act as his/her own contractor provided the utility is reasonably sure the applicant has the necessary skills and labor available to perform the work.

5. Each month, the utility will mail a completed Form FmHA 444-22, "Billing Statement," with attached Form FmHA 444-20 to the FmHA Finance Office, 1520 Market Street, St. Louis, MO 63103, for those applicants who are to receive an FmHA loan where payment is authorized by the applicant for work satisfactorily completed. The FmHA will approve the loan and notify the borrower. The Finance Office will then obligate the loans and send a single check to the utility for the total loans approved and obligated each month. If an individual loan cannot be approved, the Finance Office will notify the utility of the reason(s) for disapproval.

F. *Payment for the Work.* The utility will pay the contractor after making such inspection of the work as it deems necessary. The agreement between the contractor and the homeowner should require the contractor to warrant and guarantee for a period of 90 days from the date of completion that the work is free from all defects due to faulty materials or workmanship and that the contractor shall promptly make such corrections as may be necessary by reason of such defects.

G. *Account Servicing.* 1. The utility will follow acceptable accounting practices in maintaining and servicing the borrower's account during the life of the loan. Scheduled note payments will be collected with the borrower's utility service billing. The FmHA will provide the monthly payment amortization table to be used by the utility. For billing cycles other than monthly, the amortization factors to be used will first be approved by the FmHA Finance Office.

2. The utility will remit to the Finance Office, all collections received from borrowers weekly or when receipts reach $2,500, whichever occurs first. Form FmHA 444-23, "Payment Transmittal to the Farmers Home Administration," will be used for this purpose, summarizing payments by FmHA loan number assigned to the utility.

3. When the borrower's account is paid in full, the utility will forward Form FmHA 444-24, "Notification of Final Payment or Transfer of Loan to Farmers Home Administration," to the Finance Office. The Promissory Note will be marked "PAID" and returned to the utility for distribution to the borrower.

4. If the utility is unable to collect the FmHA payment from the borrower and the borrower's account becomes more than 90 days delinquent, the utility will submit Form FmHA 444-24, "Notification of Final Pay-

ment or Transfer of Account to Farmers Home Administration," to the Finance Office and notify the borrower of the action taken. The Finance Office will send the borrower's Promissory Note through the State Office to the appropriate county office for further servicing of the account as provided in FmHA regulations. Once an account has been transferred to FmHA, the utility must no longer accept payments from the borrower.

5. Under no circumstances can a borrower's indebtedness be transferred to another borrower.

6. For income tax purposes, the utility will be responsible for informing the borrower of the interest paid on the loan for each calendar year by January 31 of the next calendar year.

7. On a semi-annual basis, the FmHA Finance Office will send to each utility a detailed list of advances and payments for reconciliation purposes.

8. Interest on unpaid interest shall not be charged.

H. *Bonding.* Fidelity bonding coverage must be provided for the utility officials entrusted with the receipt, custody, and disbursement of funds. The amount of the bond must be at least equal to the maximum amount of money that the utility officials will have access to at any one time.

I. *Inspection of Records.* The utility will provide FmHA (or other appropriate Federal Agencies) at all reasonable times, access to all books and records relating to FmHA loans made to its consumers under the provisions of this Agreement.

J. *Referrals to FmHA.* Applicants who are unable to qualify for a loan as provided herein because the cost of repairs will exceed $1,500, because of lack of repayment ability, or because the applicant is not a utility consumer should be referred to the FmHA County Office serving the area for further consideration of eligibility under other FmHA programs.

K. *Equal Opportunity Clause.* This equal opportunity clause applies to the utility executing the Cooperative Agreement rather than to the contractor performing weatherization work.

1. In the Equal Opportunity clause the term "contractor" means the "utility" and "contract" means "Cooperative Agreement."

2. During the performance of this contract, the contractor agrees as follows:

(a) The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, or national origin. Such action shall include, but not be limited, to the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Farmers Home Administration setting forth the provisions of his nondiscrimination clause.

(b) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex or national origin.

(c) The contractor will send to each labor union or representative or workers with which he has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the Farmers Home Administration, advising the said labor union or workers' representative of the contractor's commitments under this agreement as required pursuant to section 301 of Executive Order 11246 of September 24, 1965, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(d) The contractor will comply with all provisions of such Executive Order and of all relevant rules, regulations, and orders of the Secretary of Labor and of any prior authority which remain in effect.

(e) The contractor will furnish all information and reports required by such Executive Order, rules, regulations, and orders, or pursuant thereto, and will permit access to his books, records, and accounts by the Farmers Home Administration and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(f) In the event of the contractor's noncompliance with the nondiscrimination clauses of this contract or with any of the said rules, regulations, or orders, this contract may be cancelled, terminated, or suspended in whole or in part and the contractor may be declared ineligible for further contracts in accordance with procedures authorized in such Executive Order and such other sanctions may be imposed and remedies invoked as provided in the such Executive Order or by any such rule, regulation, or order, or as otherwise provided by law.

(g) The contractor will include the provisions of the FmHA Equal Opportunity Agreement (Form FmHA 400–1 available in all FmHA offices) in every subcontract or purchase order, unless exempted by such rules, regulations, or orders, so that such provisions will be binding upon each such subcontractor or vendor. The contractor will take such action as the Farmers Home Administration may direct as a means of enforcing such provisions, including sanctions for noncompliance: *Provided, however,* that in the event the contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the Farmers Home Administration, the contractor may request the United States to enter into such litigation to protect the interest of the United States.

L. *Personal-Benefit Clause.* No member of or delegate to Congress or resident commissioner shall be admitted to any share or part of this agreement or to any benefit to arise therefrom, unless it be made with a corporation for its general benefit.

M. *Payment for Services.* Consumers may be charged customary fees for technical services provided in determining the type and amount of weatherization improvements, obtaining cost estimates, and for inspections made to insure that the improvements have been properly completed. Loan funds may only be used for these purposes to the extent set forth in paragraph C. However, neither the FmHA nor the applicant/borrower will pay a loan origination or packaging fee, nor will a fee be paid for servicing the account during the life of the loan.

N. *Administrative Policy.* The FmHA State Director, in conjunction with the signing of this agreement, will advise the utility of the following:

1. Eligible rural areas.
2. The interest rate to be charged.
3. The current income limits.
4. Any funding limitations likely to be encountered in the forseeable future.
5. The processing requirements for this type of loan.
6. Consideration is to be given the potential effect of any weatherization loan made on a historic property. Each State Historic Preservation Officer maintains survey data on historic properties in the State. The State Director should communicate regularly with the SHPO to keep informed about properties included in the State survey data and should make such information available to the utility. The State Director must provide the utility a list of historic properties (including districts) listed or determined eligible for listing in the National Register of Historic Places. (Listings and updates are published regularly in the "Federal Register".) Before weatherization improvements are made to historic buildings, the utility must contact the State Director. The State Director, in accordance with FmHA Procedure 1901–F, will assure that the proposed improvement will not damage the historic integrity or fabric of the building.
7. The FmHA State Director will be responsible for seeing that the utility is notified in the future of any interest rate, income limit, or other program changes. The State Director will provide the needed forms for loan processing to the utility. The utility will advise the State Director when additional forms are required or assistance is needed. This address of the FmHA State Office is _____

(Address)

_____

(Phone No.)

_____

(Name)

_____

(Title of Co-op Official)

Date: _____

_____

(Name)

_____

(State Director)

Date: _____

NOTE.—The Farmers Home 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: August 24, 1977.

GORDON CAVANAUGH,
Administrator,
Farmers Home Administration.

[FR Doc.77–25434 Filed 8–31–77;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

[9 CFR Part 447]

AUXILIARY PROVISIONS ON NATIONAL POULTRY IMPROVEMENT PLAN

General Conference Committee and Plan Conference—Withdrawal of Proposal to Terminate

AGENCY: Agricultural Research Service, USDA.

ACTION: Withdrawal of proposal to terminate the General Conference Committee and Plan Conference of the National Poultry Improvement Plan.

SUMMARY: This notice announces the withdrawal of Proposed Rule FR Docket 77–18592 (42 FR 33041) which would terminate the General Conference Committee and the biennial Plan Conference of the National Poultry Improvement Plan. The Department ruled in favor of the nearly unanimous opposition expressed by poultry trade associations, hatcherymen, breeders, poultrymen, State officials, avian pathologists, and

University personnel to the proposed rulemaking.

EFFECTIVE DATE: September 1, 1977.

ADDRESS: Raymond D. Schar, Agricultural Research Service, U.S. Department of Agriculture, BARC East, Beltsville, Md. 20705.

FOR FURTHER INFORMATION CONTACT:

Raymond D. Schar, 301-344-2227.

The purpose of this notice is to announce that the Administrator of the Agricultural Research Service is closing Docket No. 77-18592 without further action and does not now intend to institute additional proceedings on the subject of terminating the General Conference Committee and biennial Plan Conference of the National Poultry Improvement Plan.

In Federal Register Docket No. 77-18592, published on June 29, 1977, the Administrator of the Agricultural Research Service issued an advance notice of proposed rulemaking, inviting interested persons to comment on the Proposal to Terminate the General Conference Committee and biennial Plan Conference of the National Poultry Improvement Plan (42 FR 33041). Upon review of the comments received in response to that invitation, the Administrator of the Agricultural Research Service, in consultation with the Secretary of Agriculture, has determined that it would not be in the public interest to terminate the General Conference Committee and the Plan Conference Committee of the National Poultry Improvement Plan.

Done at Washington, D.C. this 26th day of August 1977.

T. W. EDMINSTER,
Administrator,
Agricultural Research Service.

[FR Doc.77-25450 Filed 8-31-77;8:45 am]

NUCLEAR REGULATORY COMMISSION

[10 CFR Part 40]

LICENSING OF SOURCE MATERIAL

General License for Government Agencies' Operational Use of Small Quantities of Source Material

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The Nuclear Regulatory Commission is considering an amendment to its regulations to include Federal, State, and local governmental agencies' research, development, education, or operational use of small quantities of source material in the general license which authorizes certain persons to use small quantities of source material. This rule change was requested by the United States Air Force Radioisotope Committee. Its implementation would lessen the existing administrative burden of specific licensing requirements for thorium coated lenses.

DATES: Comment period expires October 31, 1977.

ADDRESSES: Written comments or suggestions for consideration in connection with the proposed amendments should be submitted to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch. Copies of comments received may be examined at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, phone: 301-443-6911.

Deborah A. Bozik, Office of Standards

SUPPLEMENTARY INFORMATION: By letter dated October 30, 1974, the United States Air Force Radioisotope Committee, Wright-Patterson Air Force Base, Ohio, filed with the Nuclear Regulatory Commission a petition for rule making (PRM-40-20) requesting that the Commission amend the general license in 10 CFR 40.22, "Small Quantities of Source Material," to (a) authorize use and transfer of source material under that general license by Federal agencies for operational purposes, and (b) authorize USAF possession and operational use of thorium, as a fluoride salt, in anti-reflective lens coatings on thermal imaging lenses of the Forward Looking Infra-Red (FLIR) imaging system.

The general license in 10 CFR 40.22 of the NRC regulations now authorizes certain persons (physicians, pharmacists, commercial and industrial firms, and research educational, and medical institutions) to use and transfer not more than fifteen pounds of source material at any one time for research, educational, or commercial purposes, provided that no person shall receive more than 150 pounds of source material in any one calendar year. These generally licensed persons are exempt from the provisions of Parts 19, 20, and 21 of the Commission's regulations. At the present time, thorium coated lenses are manufactured and used commercially under this general license

Since the general license in 10 CFR 40.22 is not available to government agencies, the U.S. Air Force was required to obtain a specific license authorizing it to possess and use thorium, as a fluoride salt, in anti-reflective lens coatings on thermal imaging lenses of the Forward Looking InfraRed (FLIR) imaging system. Since the coating on the lens is greater than 75% by weight thorium it is not exempt from licensing pursuant to 10 CFR 40.13(a) which exempts any material containing less than 0.05% source material. Since the thorium coats the lens and is not evenly distributed in the finished lens, it is not exempt from licensing pursuant to 10 CFR 40.13(c)(7) which exempts finished optical lenses containing less than 30% thorium.

The major hazard associated with source material arises from the inhalation or ingestion of such material and not from external radiation. The operational uses which may be made of less than fifteen pounds of source material make the inhalation or ingestion of any significant quantities of material unlikely.

The thorium coated lenses described in the U.S. Air Force's petition for rule making are an example of the type of product which would be generally licensed for operational use if the proposed amendment to 10 CFR 40.22(a)(4) were adopted. The maximum source material would be 33.9 milligrams per lens, and the Air Force would require 16.4 grams to 38.2 grams of source material if full deployment of the current generation thermal imaging system is made. The source material in these lenses presents negligible, if any, radiation hazard. Based on the maximum of fifteen pounds of source material at any one time, not more than a few millirem per year dose would be received; therefore the use of thorium coated lenses presents no substantial radiation hazard.

The proposed amendment to 10 CFR 40.22(a)(4) would make it unnecessary for Federal, State, and local governmental agencies to obtain specific licenses to use small quantities of source material for research, development, educational, or operational purposes. Extension of the general license in 10 CFR 40.22 to these agencies would not significantly change existing NRC policy regarding use and transfer of not more than fifteen pounds of source material at any one time. The number of increments of fifteen pounds that would be added by the governmental agencies' use of small quantities of source material would not increase significantly since the number of Federal, State, and local governmental agencies is still very small compared to the number of commercial and industrial firms authorized to use small quantities of source material under 10 CFR 40.22.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and Section 553 of Title 5 of the United States Code, notice is hereby given that the adoption of the following amendment to Title 10, Chapter I, Code of Federal Regulations, Part 40 is contemplated.

1. Section 40.22 of 10 CFR Part 40 is amended by revising paragraph (a)(4) to read as follows:

§ 40.22 Small quantities of source material.

(a) A general license is hereby issued authorizing use and transfer of not more than fifteen (15) pounds of source material at any one time by persons in the following categories:

* * * * *

(4) Commercial and industrial firms and research, educational and medical institutions and Federal, State and local governmental agencies for research,

development, educational, commercial or operational purposes;

* * * * *

(Secs. 62, 63, 161, Pub. Law 83-703, 68 Stat. 932, 933, 948 (42 U.S.C. 2092, 2093, 2201); sec. 201, as amended, Pub. Law 93-438, 88 Stat. 1242, Pub. Law 94-97, 89 Stat. 413 (42 U.S.C. 5841).)

Dated at Bethesda, Md., this 18th day of August 1977.

For the Nuclear Regulatory Commission.

LEE V. GOSSICK,
Executive Director for Operations.

[FR Doc.77-25269 Filed 8-31-77;8:45 am]

[10 CFR Part 73]

PHYSICAL PROTECTION OF PLANTS AND MATERIALS

Upgraded Guard Qualification, Training and Equipment Requirements; Extension of Comment Period

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Extension of comment period.

SUMMARY: On July 5, 1977, NRC published a proposed rule to upgrade guard qualification, training and equipment requirements for security personnel protecting against theft of special nuclear material and industrial sabotage of nuclear facilities or nuclear shipments (42 FR 34321). Comments were requested by August 19, 1977. Several commenters have requested more time to comment. In view of the complexity of the rule and the concerns expressed by commenters, the NRC is hereby extending the comment period to expire September 19, 1977.

DATES: Comments must be received on or before September 19, 1977.

ADDRESSES: Comments or suggestions for consideration in connection with the proposed amendments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch. Copies of comments received may be examined at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

Mr. R. J. Jones, Chief, Material Protection Standards Branch, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, (301-443-6973).

Dated at Washington, D.C. this 24th day of August 1977.

For the Nuclear Regulatory Commission.

LEE V. GOSSICK,
Executive Director for Operations.

[FR Doc.77-25410 Filed 9-1-77;8:45 am]

FEDERAL DEPOSIT INSURANCE CORPORATION

[12 CFR Part 308]

RULES OF PRACTICE AND PROCEDURES

Procedures and Standards Applicable to Suspensions and Prohibitions Where Felony Charged

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Proposed rules.

SUMMARY: The procedures and standards set forth in these proposed rules would be applicable to proceedings by the Board of Directors of the Federal Deposit Insurance Corporation to suspend and/or prohibit from participation any officer or director or other person participating in the conduct of the affairs of an insured State nonmember bank, where such person is charged with a felony involving dishonesty or breach of trust. These proposed rules are intended to make available to such persons specific procedures for hearings in such cases and are believed by the Board to be necessary because of the decision in *Feinberg* v. *Federal Deposit Insurance Corporation*, 420 F. Supp. 109 (D.D.C. 1976), holding that an order suspending an indicted individual where no such hearing is held is unconstitutional.

DATE: Comments must be received on or before September 26, 1977.

ADDRESS: Interested persons are invited to submit written data, views or arguments regarding the proposed rules to the Office of the Executive Secretary, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, D.C. 20429. All written comments submitted will be made available for public inspection at the above address.

FOR FURTHER INFORMATION CONTACT:

Werner Goldman, Counsel, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, D.C. 20429, telephone 202-389-4616.

Accordingly, the Board of Directors of the Federal Deposit Insurance Corporation hereby proposes to amend 12 CFR Part 308 as set forth below.

§ 308.35 [Amended]

1. Amend § 308.35 by inserting the phrase "Except as otherwise specifically provided in Subpart F of this part," immediately before the first sentence thereof, and by revising the second sentence thereof to read: "The procedures for issuing such orders prescribed in section 8 of said Act will be followed and hearings required thereunder will be conducted in accordance with the rules and procedures set forth in this subpart, Subpart A of this part, and, where applicable, Subpart F of this part."

§ 308.41 [Deleted]

2. Delete § 308.41.

3. Add a new Subpart F by adding the following new sections 308.50-.58;

Subpart F—Procedures and Standards Applicable to Suspensions and Prohibitions Where Felony Charged

§ 308.50 Scope.

The rules and procedures set forth in this subpart are applicable to proceedings by the Board of Directors to suspend or remove any director or officer of an insured State nonmember bank (other than a District bank) or any other person participating in the conduct of the affairs of such a bank, or to prohibit such director, officer or other person from further participation in the conduct of the affairs of such a bank, or both, where such individual is charged in any State, Federal or territorial information or indictment, or in any complaint authorized by a United States attorney, with the commission of or participation in a felony (or a misdemeanor under State or territorial law which, because of the length of the maximum sentence that may be imposed, is equivalent to a felony under Federal law) involving dishonesty or breach of trust.

§ 308.51 Notice of suspension or prohibition.

Whenever a director or officer of an insured State nonmember bank (other than a District bank) or any other person participating in the conduct of the affairs of such bank, is charged in any State, Federal or territorial information or indictment, or in any complaint authorized by a United States attorney, with the commission of or participation in a felony (or a misdemeanor under State or territorial law which, because of the length of the maximum sentence that may be imposed, is equivalent to a felony under Federal law) involving dishonesty or breach of trust, the Board of Directors, upon a preliminary determination that the offense alleged in the information, indictment or complaint is, or may be, one involving dishonesty or breach of trust, shall, by written notice served upon such director, officer, or other person, suspend him from office or prohibit him from further participation in any manner in the affairs of the bank, or both. A copy of the notice of suspension also shall be served upon the bank.

§ 308.52 Notice of hearing.

(a) Any notice of suspension and/or prohibition issued pursuant to § 308.51 shall be accompanied by a further notice to the individual that he may request in writing a hearing at which he may present evidence and argument as to why the suspension and/or prohibition should not continue in effect. Any notice of the opportunity for a hearing shall be accompanied by a description of the hearing procedure and the criteria to be considered.

(b) A request for a hearing filed pursuant to paragraph (a) above, shall state with particularity the relief desired, the grounds therefor, and shall include, when available, supporting evidence. Such petition and supporting evidence shall be filed in writing with the Execu-

tive Secretary, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, D.C. 20429.

(c) If an individual fails to request a hearing, or fails to appear at a hearing, either in person or by attorney, or fails to submit a written argument where a hearing has been waived pursuant to § 308.54, the suspension and/or prohibition shall remain in effect until such information, indictment or complaint is finally disposed of or until terminated by the Board of Directors.

§ 308.53 Hearing.

(a) After the receipt of request for a hearing, complying with § 308.52, the Executive Secretary of the FDIC will order a hearing to commence within the next succeeding 30 days in Washington, D.C., or such other place as is designated by the Executive Secretary, before a person designated by the Board of Directors of the FDIC to conduct such hearings.

(b) The notice of the hearing shall be served by the Executive Secretary upon the party or parties afforded the hearing and shall set forth the time and place of the hearing and the name and address of the presiding officer.

(c) The subject individual may appear at the hearing through counsel, or personally with counsel. The individual shall have the right to introduce relevant and material evidence and to present an oral argument before the presiding officer. A member of the staff of the Office of the General Counsel of the FDIC may attend the hearing and may participate as a party. Neither the formal rules of evidence nor the adjudicative procedures of the Administrative Procedure Act (5 U.S.C. 554–557) shall apply to the hearing. The proceedings shall be recorded and a transcript will be furnished to the individual, upon request and after the payment of the cost thereof. Witnesses may be presented, within specified time limits, so long as a list of such witnesses is furnished to the presiding officer prior to the hearing. Witnesses shall not be sworn, unless specifically requested by either party or the presiding officer. The presiding officer may ask questions of any witness and each party shall have the opportunity to cross-examine any witness presented by an opposing party. Upon the request of either the subject individual or the representatives of the Office of the General Counsel, the record shall remain open for a period of five (5) business days following the hearing, during which time the parties may make any additional submissions to the record. Thereafter, the record shall be closed.

(d) The presiding officer will make his recommendations to the Board of Directors, where possible, within ten (10) business days following the close of the record.

§ 308.54 Waiver of hearing.

The subject individual may, in writing, waive an oral hearing and instead elect to have the matter determined by the Board of Directors on the basis of written submissions alone.

§ 308.55 Decision of Board of Directors.

(a) Within thirty (30) days following receipt of the presiding officer's recommendations, or receipt of the subject individual's written submissions where hearing has been waived pursuant to § 308.54, the Board of Directors shall render its decision. The decision shall include a statement of the basis for the decision and such statement shall be provided to the subject individual and the bank.

(b) The Board of Directors may extend said thirty (30) day time period for good cause, but in no instance to exceed sixty (60) days from the date of the hearing or receipt of the subject individual's written submissions where hearing has been waived pursuant to § 308.54. Where such an extension is required, the individual will be notified of the reason for the extension and the expected date upon which a final decision will be rendered.

§ 308.56 Reconsideration by the Board of Directors.

(a) The subject individual shall have ten (10) business days following receipt of the decision of the Board of Directors in which to petition the Board for an initial reconsideration.

(b) The subject individual also shall be entitled to petition the Board of Directors for reconsideration of its decision anytime after the expiration of a twelve-month period from the date of the Board of Directors' decision. Provided, however, that no petition for reconsideration may be made within 12 months of a previous petition.

(c) Any petition shall state with particularity the basis for reconsideration, the relief sought, or any exceptions the individual has to the Board's finding. An individual's petition may be accompanied by a memorandum of points and authorities in support of his petition and any supporting documentation the individual may wish to have considered.

(d) No hearing need be granted on such petition for reconsideration. The Board of Directors shall promptly render its decision following receipt of the petition.

§ 308.57 Relevant considerations.

In deciding the question of suspension under this subpart the Board of Directors will consider the following:

(a) Whether the alleged offense: (1) is a felony (or a misdemeanor under State or territorial law which, because of the length of the maximum sentence that may be imposed, is equivalent to a felony under Federal law), and (2) involved dishonesty or a breach of trust;

(b) Whether the continued presence of the subject individual in his position constitutes a possible danger to the safety of deposits or the soundness of an insured bank because of: (1) the nature and extent of the individual's participation in the affairs of the insured bank, or (2) the nature of the offense with which the individual has been charged, or (3) both;

(c) Whether there is cause to believe that there may be an erosion of public confidence in the integrity, safety, or soundness of a particular bank or the banking system (either generally or in the particular locality in which the bank is situated) if the subject individual is permitted to remain in his position in an insured bank; and

(d) Whether the individual is covered by the bank's fidelity bond and, if so, whether the bonding company is likely to revoke the bond or whether coverage under the bond will be affected adversely as a result of the indictment.

(e) The Board of Directors may consider any other factors which, in the specific case, appear relevant to continuing a suspension order in effect, except that it shall not consider the ultimate question of the guilt or innocence of the subject individual with regard to the offense with which he has been charged.

§ 308.58 Removal and/or Permanent Prohibition.

In the event that a judgment of conviction with respect to such offense is entered against such director, officer, or other person, and at such time as such judgment is not subject to further appellate review, the Board of Directors may issue and serve upon such director, officer, or other person an order removing him from office and/or prohibiting him from further participation in any manner in the conduct of the affairs of the bank except with the consent of the Board of Directors. A copy of such order will also be served upon such bank, whereupon such director or officer shall cease to be a director or officer of such bank. A finding of not guilty or other disposition of the charge will not preclude the Board of Directors from thereafter instituting proceedings to remove such director, officer, or other person from office and/or to prohibit further participation in bank affairs, pursuant to the provisions of Section 8(e) of the Federal Deposit Insurance Act.

(Sec. 2[8], Pub. L. 797, 64 Stat. 879, as amended, sec. 202, Pub. L. 89–695, 80 Stat. 1046, 1050 (12 U.S.C. 1818); sec. 2[9], Pub. L. 797, 64 Stat. 881–82 (12 U.S.C. 1819).)

By order of the Board of Directors, dated August 22, 1977.

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

[FR Doc.77-25541 Filed 8-31-77;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 21]

[Docket No. 17147; Notice 77-19]

PARTS MANUFACTURER APPROVALS—EXPORT AIRWORTHINESS APPROVALS

Miscellaneous Proposals

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This NPRM proposes—(1) to revise the application and reporting requirements applicable to Parts Manufacturer Approvals (PMA), (2) to provide for the issuance of export certificate of airworthiness for unassembled normal category rotorcraft, and (3) to provide for the issuance of export airworthiness approvals for aeronautical products that do not meet certain requirements if the importing country agrees to accept the products in such condition. The FAA believes that these proposals, if adopted, will relieve PMA holders and applicants for export airworthiness approvals from unnecessary burdens with no adverse effect on safety. The NPRM also proposes to update certain form number references and to clafiy the means by which an applicant for a PMA can show that the design of the applicant's part is identical to the design of a part that is covered under a type certificate.

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

ADDRESSES: Send comments on the proposals to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-24) Docket No. 17147, 800 Independence Avenue, SW., Washington, D.C., 20591.

FOR FURTHER INFORMATION CONTACT:

Raymond E. Ramakis, Regulatory Projects Branch, Safety Regulations Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, D.C. 20591, telephone 202-755-8716.

SUPPLEMENTARY INFORMATION:

COMMENT SOLICITATION AND INFORMATION FOR OBTAINING ADDITIONAL COPIES OF NPRM

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Administrator before taking action on the proposed rules. The proposals contained in this notice may be changed in the light of comments received. All comments submited wil be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA—public contact, dealing with the substance of the proposed rules, will be placed in the Rules Docket.

Any person may obtain a copy of this NPRM by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

DISCUSSION OF PROPOSALS

Due to the diverse subject matter dealt with in this notice the discussion of the rule changes proposed is divided into several parts under descriptive headings.

PMA APPLICATION AND REPORTING REQUIREMENTS

The lead-in sentence of § 21.303(c) and § 21.303(c)(2) require, in pertinent part, that an application for a PMA be made to the FAA Regional Office of the region in which the manufctcuring facility is located and must include the name and address of the manufacturing facilities at which the parts to be covered by the PMA are to be manufactured. In addition, § 21.303(j) provides that PMA holders shall notify the FAA, in writing, within 10 days from the date the manufacturing facility at which the part is manufactured is relocated or expanded to include additional facilities at other locations.

Based on a recent review of these regulations, the FAA has found that varying interpretations have led to different applications of these requirements. While the FAA must have access to the manufacturing facilities utilized in the production of PMA parts in order to provide necessary surveillance, there appears to be no reason in the interest of safety why a PMA holder should submit and the FAA maintain a list of those facilities. The PMA holder must maintain this information in order to assure that all manufacturing is controlled by his fabrication inspection system. So long as this information is made available to the FAA on request, further notification and the maintenance of a list of manufacturing facilities by the FAA creates unnecessary paperwork and duplication of records, and places an undue administrative and financial burden on the PMA holder and the FAA. However, it should be noted that with respect to manufacturing facilities located outside the United States, the information is necessary inasmuch as a PMA is not issued in such cases unless the Administrator finds under § 21.303(g) that the location of the facilities outside the United States places no burden on the FAA in administering the applicable airworthiness requirements. Therefore, it is proposed to amend the lead-in of § 21.303(c) and § 21.303(c)(2) to require an application for a PMA to be made to the regional office in which the applicant is located rather than in the region in which the manufacturing facilities are located, and that the application include the address of the applicant. In addition, § 21.303(j) would be revised to require that each PMA holder maintain a record of the address of each of the manufacturing facilities at which its PMA parts have been manufactured in the preceding two years, and to make the records available upon request for inspection by the Administrator. However, as proposed herein, if a manufacturing facility is to be located outside of the United States, the PMA application would continue to be required to include the name and address of the facility. In addition, if a manufacturing facility is to be relocated or expanded to include facilities outside of the United States, the PMA holder would be required to notify the FAA prior to the date of that relocation or expansion. A notification would also be required within 10 days when the PMA holder's address, if specified in its application for a PMA, is changed.

SHOWING OF IDENTICALNESS TO OBTAIN PMA

Section 21.303(c)(4) requires that each application for a PMA include test reports and computations necessary to show that the design of a part meets the requirements applicable to the product on which the part is to be installed unless the applicant shows that the design of the part is identical to the design of a part that is covered under a type certificate.

The FAA has permitted applicants for PMAs to show identicalness by a number of methods one of which is the submittal, along with the design of his part, of a certifying statement indicating that the design of his part is identical to a design previously approved under a type certificate. Under this method, applicants have been required to adequately identify the previously approved design to the FAA. Based on several inquiries, the FAA believes that a certain amount of confusion may exist with respect to this as well as the other methods of showing identicalness that are permitted under § 21.303(c)(4). Therefore, an amendment to § 21.303(c)(4) is being proposed to clarify that provision by specifying the available methods of showing identicalness under that paragrtph. However, it should be noted that if, based on the comments received, the FAA determines that one or more of the methods specified should not be allowed, the proposal will be revised accordingly.

FORM NUMBER REVISIONS

Sections 21.327(f)(1) and 21.335(e)(2) contain references to form numbers which are obsolete. Accordingly, it is proposed that those sections be revised to reference the current form numbers.

EXPORT APPROVAL OF UNASSEMBLED ROTORCRAFT

Section 21.325(b), in part, requires that new aircraft be assembled and flight-tested in order to qualify for an export airworthiness approval. Exceptions are provided in the rule for small airplanes and gliders manufactured under production certificates but not for rotorcraft. Section 21.327(f)(2), in part, requires that each application for an export airworthiness approval for a rotorcraft include a weight and balance report based on an actual weighing of the aircraft.

It has come to the attention of the FAA that manufacturers of normal category rotorcraft may desire to export their aircraft unassembled. Based on the request of one such manufacturer, the FAA has granted an exemption to provide for the issuance of export airworthiness approvals for its unassembled normal category rotorcraft. The export of these unassembled aircraft facilitate air freight shipment, and the FAA believes, based on experience with § 21.325(b) and the exemption, that the assembly of these aircraft following shipment can be accomplished with no adverse effect on safety. Therefore, it is proposed to amend § 21.325(b) to permit the issuance of export airworthiness approvals for unassembled normal category rotorcraft. Consistent with this, § 21.327(f) (2) would also be revised to provide for the export of these rotorcraft without actual weighing.

It should be noted that, as with small airplanes and gliders, the importing state would be fully advised in advance as to the status of the rotorcraft since, under § 21.327(e), it would be required that the application for an export airworthiness approval be accompained by a written statement from the importing country indicating that it will validate the export airworthiness approval of each unassembled aircraft which has not been flight-tested.

EXPORT AIRWORTHINESS APPROVALS EXCEPTIONS APPROVED BY IMPORTING STATES.

Sections 21.329, 21.331, and 21.333 specify the standards and maintenance requirements which must be met to obtain an export airworthiness approval. In no case are these requirements less comprehensive than those applicable to products to be used in the U.S. To the contrary certain requirements applicable to export products do not apply to products intended for domestic use. On a number of occasions, the FAA has been informed by foreign airworthiness authorities that compliance with specific FAA export requirements was neither necessary nor desired in a particular situation.

The primary purpose of an export airworthiness approval is to notify the purchasers and the importing state of the airworthiness status of a product. The FAA believes that this purpose can be accomplished without requiring compliance with all FAA requirements provided that the importing state agrees. Therefore, amendments to §§ 21.321, 21.329, 21.331, and 21.333 are proposed herein to provide for the issuance of an export airworthiness approval for a product which does not meet one or more specific FAA requirements for the issuace of that approval if the importing state indicates to the FAA that compliance with the specific FAA requirement is not necessary. Section 21.325 would also be revised to provide for the listing on the export airworthiness approval of those FAA requirements that the product does not meet. In addition, § 21.327(e) would be revised to require a written statement from the importing state indicating that it will validate the export airworthiness approval for a product that does not meet specific FAA requirements.

It should be noted that this proposed rule change would provide for the issuance of export airworthiness approvals for used engines, propellers, and Class II aeronautical products that have not been newly overhauled as is required under §§ 21.329 and 21.331. In this connection the FAA has issued exemptions that provided for the issuance of export airworthiness approvals for used engines and Class II products where an importing state indicated that it would accept those products that were satisfactorily maintained under a continuous airworthiness maintenance program but were not newly overhauled.

The principal authors of this document are Mr. C. Risner, Flight Standards Service, Mr. S. Podberesky, Office of the Chief Counsel.

THE PROPOSED AMENDMENT

Accordingly, the Federal Aviation Administration proposes to amend Part 21 of the Federal Aviation Regulations (14 CFR Part 21) as follows:

1. By revising the lead-in of § 21.303 (c) and by revising §§ 21.303 (c)(2), (c)(4), and (j) to read as follows:

§ 21.303 Replacement and modification parts.

* * * * *

(c) An application for a Parts Manufacturer Approval is made to the Regional Office of the region in which the applicant is located and must include the following:

* * * * *

(2) The name and address of: (i) The applicant; and

(ii) Any manufacturing facilities located outside of the United States at which the parts are to be manufactured.

* * * * *

(4) Test reports and computations necessary to show that the design of the part meets the airworthiness requirements of the Federal Aviation Regulations applicable to the product on which the part is to be installed. However, these test reports and computations need not be submitted if the applicant shows that the design of the part is identical to the design of a part that is covered under a type certificate by submitting, in addition to the data required by paragraph (c)(3) of this section:

(i) A copy of the FAA-approved design of the identical part covered under the type certificate;

(ii) A statement by the applicant stating that the design of the applicant's part is identical to that of a part covered under the type certificate. The statement must completely identify the part covered under the type certificate by the part name, part number, and drawing revisions and revision dates, if any; or

(iii) A statement from the holder of the type certificate that the design of the applicant's part is identical to that of the part covered under the type certificate. The statement must completely identify the part approved under the type certificate by part name, part number, and drawing revisions and revision dates, if any.

If the design of the part was obtained by a licensing agreement, evidence of that agreement must be furnished.

* * * * *

(j) The holder of a Parts Manufacturer Approval shall:

(1) Maintain and make available for inspection by the Administrator upon request, a current list containing the address of each manufacturing facility at which parts have been manufactured in the preceding two years. The list must be maintained:

(i) For Parts Manufacturer Approvals issued on the basis of an application submitted prior to (the effective date of this amendment), at the principal location of the holder of the Parts Manufacturer Approval; and

(ii) For other Parts Manufacturer Approvals, at the address specified in accordance with § 21.303(c)(2)(i) of this section in the application for a Parts Manufacturer Approval; and

(2) Notify the FAA in writing. (i) Before the manufacturing facilities at which the parts are manufactured are relocated to include additional facilities at locations outside the United States or expanded to include such facilities; or

(ii) Within 10 days after the date the address specified in accordance with § 21.303(c)(2)(i) of this section is changed.

* * * * *

2. By revising § 21.321(b)(1) to read as follows:

§ 21.321 Applicability.

* * * * *

(b) * * *

(1) A Class I product is a complete aircraft, aircraft engine, or propeller, which:

(i) Has been type certificated in accordance with the applicable Federal Aviation Regulations and for which Federal Aviation Specifications or type certificate data sheets have been issued; or

(ii) Is identical to a type certificated product specified in paragraph (b)(1)(i) of this section in all respects except as is otherwise acceptable to the civil aviation authority of the importing state.

* * * * *

3. By replacing the word "either" in the lead-in of § 21.325(b)(1) with the word "any", by deleting the word "or" from the end of § 21.325(b)(1)(i), by deleting the period and adding a semicolon and the word "or" at the end of § 21.325(b)(1)(ii), and by adding new §§ 21.325(b)(1)(iii) and (c) to read as follows:

§ 21.325 Export airworthiness approvals.

* * * * *

(b) * * *

(1) * * *

(iii) A normal category rotorcraft type certificated under Part 6 of the Civil Air Regulations or Part 27 of the Federal

Aviation Regulations and manufactured under a production certificate.

* * * * *

(c) *Export airworthiness approval exceptions.* If the export airworthiness approval is issued on the basis of a written statement by the importing state as provided for in § 21.327(e)(4), the requirements that are not met and the differences in configuration, if any, between the product to be exported and the related type certificated product are listed on the export airworthiness approval as exceptions.

4. By deleting the word "or" from the end of § 21.327(e)(2), by deleting the period and adding a semi-colon and the word "or" at the end of § 21.327(e)(3), and by adding a new § 21.327(e)(4) to read as follows:

§ 21.327 Application.

* * * * *

(e) * * *

(4) A product that does not meet a requirement specified in §§ 21.329, 21.331, or 21.333, as applicable, for the issuance of an export airworthiness approval. The written statement must list the requirements not met.

* * * * *

5. By replacing the words "FAA Form 317" in § 21.327(f)(1) with the words "FAA Form 8130-9", by deleting the words "and all rotorcraft" in the second sentence of § 21.327(f)(2), by inserting a comma and the words "normal category rotorcraft, and gliders" between the words "category airplanes" and "may" in the fourth sentence of § 21.327(f)(2), and by replacing the last word in the fourth sentence of § 21.327(f)(2) with the word "aircraft".

6. By revising the lead-in of § 21.329, by deleting the phrase "subject to the special requirements of the importing country" from the end of § 21.329(a), and by adding a new § 21.329(g) to read as follows:

§ 21.329 Issue of export certificates of airworthiness for Class I products.

An applicant is entitled to an export certificate of airworthiness for a Class I product if he shows at the time the product is submitted to the Administrator for export airworthiness approval that it meets the requirements of paragraphs (a) through (f) of this section, as applicable, except as provided in paragraph (g) of this section:

* * * * *

(g) A product need not meet a requirement specified in paragraphs (a) through (f) of this section, as applicable, if acceptable to the importing country and the importing country indicates that acceptability in accordance with § 21.327(e)(4) of this part.

7. By revising the lead-in of § 21.331, by redesignating the lead-in of § 21.331 as § 21.331(a) and §§ 21.331 (a) through (d) as §§ 21.331 (a)(1) through (a)(4), respectively, and by adding a new § 21.331(b) to read as follows:

§ 21.331 Issue of airworthiness approval tags for Class II Products.

(a) An applicant is entitled to an export airworthiness approval tag for a Class II product if he shows, except as provided in paragraph (b) of this section, that:

* * * * *

(b) A product need not meet a requirement specified in paragraph (a) of this section if acceptable to the importing country and the importing country indicates that acceptability in accordance with § 21.327(e)(4) of this part.

8. By revising the lead-in of § 21.333, by redesignating the lead-in of § 21.333 as § 21.333(a) and §§ 21.333 (a) through (c) as §§ 21.333 (a)(1) through (a)(3), respectively, and by adding a new § 21.333(b) to read as follows:

§ 21.333 Issue of export airworthiness approved tags for Class III products.

(a) An applicant is entitled to an export airworthiness approval tag for a Class III product if he shows, except as provided in paragraph (b) of this section, that:

* * * * *

(b) A product need not meet a requirement specified in paragraph (a) of this section if acceptable to the importing country and the importing country indicates that acceptability in accordance with § 21.327(e)(4) of this part.

§ 21.335 [Amended]

9. By amending § 21.335(e)(2) by replacing the words "FAA Form 500 and Form 1362" with the words "AC Form 8050.3 and FAA Form 8100-2."

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.45.)

NOTE.—The FAA has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on August 24, 1977.

R. P. SKULLY,
Director, Flight Standards Service.

[FR Doc.77-25445 Filed 8-31-77;8:45 am]

[14 CFR Part 39]

[Docket No. 77-WE-25-AD]

AIRWORTHINESS DIRECTIVES

Hiller Model UH-12, C, D, E(4 place), L, E-L and L4's Converted From E4's

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to adopt a new Airworthiness Directive on all Hiller UH-12 series helicopters which will require installation of a guard on the fuel shutoff valve control handle to preclude inadvertent movement to the "off" position.

DATES: Comments must be received on or before October 7, 1977.

ADDRESSES: Send comments on the proposal to: Department of Transportation, Federal Aviation Administration, Western Region, Attention: Regional Counsel, Airworthiness Rule Docket, P.O. Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009.

The applicable Service Bulletin No. 72-1 dated June 17, 1977 or later FAA approved revision, may be obtained from: Hiller Aviation, 2075 West Scranton Avenue, Porterville, Calif. 93257.

FOR FURTHER INFORMATION CONTACT:

Jerry J. Presba, Executive Secretary, Airworthiness Directive Review Board, Federal Aviation Administration, Western Region, P.O. Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. Telephone 213-536-6351.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the address specified above. All communications received on or before the date specified above will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact, concerned with the substance of the proposed AD, will be filed in the Rules Docket.

There has been at least one reported case of inadvertent actuation of the fuel valve control lever to the "off" position in flight that resulted in unexpected fuel starvation to the engine and caused forced autorotation on a Hiller Model UH-12 helicopter.

Since this condition is likely to develop in other helicopters of the same type design, the proposed Airworthiness Directive would require the installation of a guard on the control handle of the fuel shutoff valve.

DRAFTING INFORMATION

The principal authors of this document are Henry R. Kulewicz, Aircraft Engineering Division, and Richard G. Wittry, Office of the Regional Counsel.

PROPOSED AMENDMENT

Accordingly, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new Airworthiness Directive:

HILLER HELICOPTERS: Applies to Hiller Model UH-12C, D, E(4 place), L, E-L, and L4's, certificated in all categories incorporating control levers P/N 72229 or 72210. All aircraft serial numbers up to No. 5024 are included. S/N No. 5024 and subsequent will have the guard installed at the time of manufacture.

(a) To prevent hazardous engine power loss from inadvertent shutoff of the fuel control valve, within the next 100 hours time in service after the effective date of this AD, unless already accomplished, install a guard on the fuel shutoff valve handle in accordance with the instructions described in Paragraph 2B in Hiller Service Bulletin No. 72-1 dated June 17, 1977, or later FAA approved revision.

(b) Equivalent methods of fabrication and installation of a guard on the fuel shutoff valve handle may be used when approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(c) Special flight permits may be issued in accordance with FAR's 21.197 and 21.199 to operate helicopters to a base for accomplishment of the modification required by paragraph (a) of this AD.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.85.)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Los Angeles, California on August 19, 1977.

HERMAN C. BLISS,
Acting Director, Federal Aviation Administration, Western Region.

[FR Doc.77-25438 Filed 8-31-77;8:45 am]

[14 CFR Part 39]

[Docket No. 77-WE-22-AD]

AIRWORTHINESS DIRECTIVES

McDonnell Douglas Model DC-9 and Military C-9 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rule making.

SUMMARY: This notice proposes to adopt an Airworthiness Directive (AD) that would require repetitive inspections or replacement of the engine pylon rear spar upper straps (caps) on the McDonnell Douglas Model DC-9 and Military C-9 Series airplanes for fatigue cracks to preclude failure that could result in separation of the engine from the aircraft.

DATES: Comments must be received on or before October 6, 1977.

ADDRESSES: Send comments on the proposal to: Department of Transportation, Federal Aviation Administration, Western Region, Attention: Regional Counsel, Airworthiness Rule Docket, P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009.

Copies of Douglas DC-9 Service Bulletins A54-31, Revision 1 and 54-31 may be obtained by writing to: McDonnell Douglas Corporation 3855 Lakewood Boulevard, Long Beach, California 90846. Attention: L. A. Eisenberg, C1-750, (54-60.)

Copies of the Service Bulletin are contained in the Rules Docket in Room 916, 800 Independence Avenue SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

Wallace M. Frei, Executive Secretary, Airworthiness Directives Review Board, Federal Aviation Administration, Western Region, P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009, telephone 213-536-6351.

SUPPLEMENTARY INFORMATION: There have been two reported failures of the engine pylon rear spar upper strap (cap) on McDonnell Douglas DC-9 airplanes. These failures have initiated at the inside diameter of the bearing hole of the strap and are caused by fatigue. McDonnell Douglas issued Service Bulletin A54-31, dated March 15, 1976, which detailed the procedure for conducting ultrasonic and magnetic particle inspections in the lug area of the engine pylon rear upper spar strap (cap), to detect cracks. The service bulletin specifies that the strap be initially ultrasonically inspected and if no cracks are detected the part should be reinspected within 2400 landings. If cracks are suspected the part must be replaced or magnetic particle inspected. Magnetic particle inspection requires the removal of the bearing. The bearing can only be replaced twice before it is necessary to replace the strap, because of the difficulty of satisfactorily restaking the bearing. If cracks are detected by the magnetic particle inspection the strap must be replaced prior to further flight with a new original part. The new original part must be reinspected after 20,000 landings. If no cracks are detected the strap must be reinspected within 2400 landing. The operator may delete the ultrasonic inspection if he performs the magnetic particle inspection.

McDonnell Douglas has subsequently issued Service Bulletin 54-31, dated August 24, 1976, which replaces each original engine pylon rear spar upper strap (cap) with a redesigned part with increased lug area. This increased lug area provides greater strength, which reduces the likelihood of fatigue cracking. The incorporation of Service Bulletin 54-31 eliminates the inspections required in Service Bulletin A54-31.

Failure of the engine pylon upper rear strap results in drooping of the engine and possible separation of the engine from the aircraft.

Since evidence indicates that this condition is likely to exist in aircraft of the same type design, the proposed AD would require repetitive inspections or replacement of the engine pylon rear upper spar straps (caps) with the original type design straps or redesigned straps per DC-9 Service Bulletin 54-31.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they desire. Information on the economic, environmental, and energy impact that might result because of the adoption of the proposed rule is also requested. Communications should identify the airworthiness docket number and be submitted in duplicate to the Department of Transportation, Federal Aviation Administration, Western Region, Attention: Regional Counsel, Airworthiness Rule Docket, P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009. All communications received before the closing date will be considered by the Administrator before taking action upon the proposed rule. The proposal contained in the notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Airworthiness Rule Docket for examination by interested persons.

DRAFTING INFORMATION

The principal authors of this document, are Stanton R. Wood, Aircraft Engineering Division, and DeWitte T. Lawson, Jr. Office of the Regional Counsel.

PROPOSED AMENDMENT

Accordingly, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new Airworthiness Directive:

MCDONNELL DOUGLAS: Applies to Model DC-9 and Military C-9 Series Airplanes certificated in all categories, Fuselage Numbers 1 through 851, inclusive, which correspond to the factory serial numbers listed in Douglas DC-9 Service Bulletin No A54-31, Revision 1, dated December 22, 1976, or later FAA approved revisions.

To detect cracks and prevent possible failure of the engine pylon aft upper spar straps (caps) comply with the following:

(a) For airplanes with 35,000 or more landings on the effective date of this AD, within the next 600 landings unless already accomplished within the last 1800 landings and thereafter at intervals not to exceed 2400 landings, accomplish Paragraph (f).

(b) For airplanes with 30,000 to 34,999 landings on the effective date of this AD, within the next 900 landings, unless already accomplished within the last 1500 landings, and thereafter at intervals not to exceed 2400 landings, accomplish Paragraph (f).

(c) For airplanes with 25,000 to 29,999 landings on the effective date of this AD, within the next 1200 landings, unless already accomplished within the last 1200 landings, and thereafter at internals not to exceed 2400 landings, accomplish Paragraph (f).

(d) For airplanes with 20,000 to 24,999 landings on the effective date of this AD, within the next 2,000 landings, unless already accomplished within the last 400 landings, and thereafter at intervals not to exceed 2400 landings, accomplish Paragraph (f).

(e) For airplanes with less than 20,000 landings on the effective date of this AD,

within the first 2,000 landings, after accumulating 20,000 landings, and thereafter at intervals not to exceed 2400 landings, accomplish Paragraph (f).

(f) (1) Ultrasonically inspect the engine pylon aft upper spar straps (caps), part number 9958154–5/–6 or 9958154–37/–38 per Paragraph 2.B of Douglas DC–9 Service Bulletin A54–31 dated December 22, 1976 or later FAA approved revision, or an alternate method approved by the Chief, Aircraft Engineering Division, Western Region. If no cracks are detected repeat the inspection in 2400 landings. If there is evidence of cracking, magnetic particle inspection per Paragraph 2.C may be used to confirm the evidence of cracking. If cracks are detected, before further flight, replace the strap with new part numbers 9958154–5/–6 or 9958154–37/–38 and resume the inspections after the part has accumulated 20,000 landings or modify in accordance with Douglas Service Bulletin 54–31 dated August 24, 1976 or later FAA approved revision.

(2) At the option of the operator, the ultrasonic inspection may be deleted if the magnetic particle inspection is accomplished. If the magnetic particle inspection procedure is used, after two bearing replacements it is necessary to replace the strap with a new part, number 9958154–5/–6 or 9958154–37/–38 or modified per Douglas Service Bulletin 54–31 dated August 24, 1976 or later FAA approved revision.

(g) Upon completion of modification of the engine pylon rear spar straps (caps) per Douglas Service Bulletin 54–31 dated August 24, 1976 or later FAA approved revision the inspection requirements of this AD are terminated.

(h) For the purpose of complying with this AD, the number of landings may be determined by dividing each airplane's hours in service by the operator's appropriate fleet average time from takeoff to landing. This procedure is subject to acceptance by the assigned FAA maintenance inspector.

(i) Special flight permits may be issued in accordance with FAR's 21.197 and 21.199 to authorize operation of an airplane to a base for the accomplishment of the inspections required by this AD.

(j) Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Aircraft Engineering Division, FAA Western Region, may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for that operator.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.85.)

NOTES.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A–107.

Issued in Los Angeles, California on August 19, 1977.

HERMAN C. BLISS,
Acting Director, Federal Aviation Administration, Western Region.

[FR Doc.77–25439 Filed 8–31–77;8:45 am]

[14 CFR Parts 71 and 75]

[Airspace Docket No. 76–AL–15]

COLORED FEDERAL AIRWAYS, REPORTING POINTS AND JET ROUTES

Proposed Alteration

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rule making.

SUMMARY: This notice proposes to realign Green 8 Airway, Green 11 Airway and Jet Route No. 115; also, to rescind and designate reporting points in the area of the Aleutian Islands/Alaskan Peninsula. The U.S. Air Force has advised that seven of its air navigation aids, upon which routes are designated, will be decommissioned. The proposed actions will substitute other navigation aids which will permit the continuation of route structures in the same general area.

DATES: Comments must be received on or before September 26, 1977.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Alaskan Region, Attention: Chief, Air Traffic Division, Docket No. 76–AL–15 Federal Aviation Administration, 632 Sixth Avenue, Anchorage, Alaska 99501.

The official docket may be examined at the following location: FAA Office of the Chief Counsel Rules Docket, (AGC–24), Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591. An informal docket may be examined at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT:

Mr. Everett L. McKisson, Airspace Regulations Branch (AAT–230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591, telephone 202–426–3715.

SUPPLEMENTARY INFORMATION:

COMMENTS INVITED

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Alaskan Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 632 Sixth Avenue, Anchorage, Alaska 99501. All communications received on or before September 26, 1977, will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

AVAILABILITY OF NPRM

Any person may obtain a copy of this notice of proposed rule making (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA–430, 800 Independence Avenue SW., Washington, D.C. 20591, or by calling (202) 426–8058. Communication must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11–2 which describes the application procedures.

THE PROPOSAL

The FAA is considering amendments to Parts 71 and 75 of the Federal Aviation Regulations (14 CFR Parts 71 and 75) that would: [1]

1. Realign a segment of Green 8 Airway to extend from Shemya, Alaska, NDB via Adak, Alaska, NDB; Dutch Harbor, Alaska, NDB; INT Dutch Harbor 043°T(029°M) and the Cold Bay, Alaska, NDB/LOM 253°T (236°M) bearings; Cold Bay NDB/LOM; King Salmon, Alaska, NDB/LOM; INT King Salmon NDB/LOM 055°T (034°M) and the Kachemak, Alaska, NDB 263°T (239°M) bearings; Kachemak NDB; thence as presently aligned.

2. Realign a segment of Green 11 Airway to extend from Cold Bay, Alaska, NDB/LOM via INT Cold Bay NDB/LOM 041°T (024°M) and Port Heiden, Alaska, NDB 246°T (226°M) bearings; thence as presently aligned.

3. Realign Red 99 Airway to extend from King Salmon, Alaska, NDB/LOM via Iliamna, Alaska, NDB; to Kachemak, Alaska, NDB.

4. Add Dutch Harbor NDB, as an Alaskan Low Altitude Reporting Point.

5. Delete DEPTH, Big Mountain NDB, and Nikolski NDB, Alaskan Low Altitude Reporting Points.

6. Add Dutch Harbor NDB, as an Alaskan High Altitude Reporting Point.

7. Delete Nikolski NDB, an Alaskan High Altitude Reporting Point.

8. Realign Jet Route No. 115 segment from Adak, Alaska , NDB to Cold Bay, Alaska, VOR via Dutch Harbor, Alaska, NDB.

ICAO CONSIDERATIONS

As parts of these proposals relate to the navigable airspace outside the United States, this notice is submitted in consonance with the International Civil Aviation Organization (ICAO) International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices by the

[1] Maps filed as part of the original document.

Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 of and Annex 11 to the Convention on International Civil Aviation, which pertain to the establishment of air navigation facilities and services necessary to promoting the safe, orderly, and expeditious flow of civil air traffic. Their purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO,wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since these actions involve, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

Drafting Information

The principal authors of this document are Everett L. McKisson, Air Traffic Service, and Jack P. Zimmerman, Office of the Chief Counsel.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend Parts 71 and 75 of the Federal Aviation Regulations (14 CFR Parts 71 and 75) as republished (42 FR 305 and 707) as follows:

1. In § 71.103 (42 FR 305) G–8 is amended to read as follows:

G–8 From Shemya, Alaska, NDB, 20 AGL Adak, Alaska, NDB; 20 AGL Dutch Harbor Alaska, NDB; 20 AGL INT Dutch Harbor NDB 043° and Cold Bay, Alaska, NDB 253° bearings; 20 AGL Cold Bay NDB; King Salmon, Alaska, NDB; INT King Salmon NDB 055° and Kachemak, Alaska, 263° bearings; Kachemak NDB; Wildwood, Alaska, NDB; INT Wildwood NDB 034° and Campbell Lake, Alaska, NDB 254° bearings; Campbell Lake NDB; INT Campbell Lake NDB 032° and Skwenta, Alaska, NDB 111° bearings; Glenallen, Alaska, NDB; INT Glenallen NDB 052° and Nabesna, Alaska, NDB 252° bearings; Nabesna NDB.

2. In § 71.103 (42 FR 305) G–11 is amended to read as follows:

G–11 From Cold Bay, Alaska, NDB via INT Gold Bay NDB 041° and Port Heiden, Alaska, NDB 246° bearings, 20 AGL Port Heiden NDB; 73 miles 85 MSL, 101 miles 65 MSL, 37 miles 20 AGL, to Woody Island, Alaska, NDB.

3. In § 71.107 (42 FR 306) R–99 is amended to read as follows:

R–99 From King Salmon, Alaska, NDB via Iliamna, Alaska, NDB; to Kachemak, Alaska, NDB.

4. In § 71.211 (42 FR 638) "Dutch Harbor, Alaska, NDB" is added. "Big Mountain, Alaska, NDB" is deleted. "DEPTH:" title and text is deleted. "Nikolski, Alaska, NDB" is deleted.

5. In § 71.213 (42 FR 640) "Dutch Harbor, Alaska, NDB" is added, also "Nikolski, Alaska, NDB" is deleted.

6. In § 75.100 (42 FR 707) Jet Route No. 115 "Nikolski, Alaska, NDB;" is deleted and "Dutch Harbor, Alaska, NDB;" is substituted therefor.

(Secs. 307(a) and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1510), Executive Order 10854 (24 FR 9565); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65.)

NOTE.—The FAA has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A–107.

Issued in Washington, D.C., on August 4, 1977.

WILLIAM E. BROADWATER,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.77-25437 Filed 8-31-77;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 77–EA–47]

PROPOSED ALTERATION OF VOR AIRWAYS

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rule making.

SUMMARY: This notice proposes to realign VOR low altitude airways (V–36, V–157, and V–273) in part by utilizing the Teterboro, N.J., and Canarsie, N.Y., TVOR/DMEs.[1] These actions will allow the FAA to establish profile descent procedures into Kennedy International Airport. Profile descent is a procedure whereby the arriving aircraft are normally allowed to descend for landing in a fuel/time savings manner. Accordingly, adoption of this proposal should result in fuel and time savings to the users, reduced controller workload and further standardization of the profile descent procedures.

DATES: Comments must be received on or before October 3, 1977.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Eastern Region, Attention: Chief, Air Traffic Division, Docket No. 77–EA–47, FAA, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. The official docket may be examined at the following location: FAA Office of the Chief Counsel, Rules Docket, (AGC–24), Room 916, 800 Independence Avenue SW., Washington, D.C. 20591.

An informal docket may be examined at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT:

Mr. David F. Solomon, Airspace Regulations Branch (AAT–230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 25091; telephone: 202–426–8530.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received on or before October 3, 1977, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA–430, 800 Independence Avenue SW., Washington, D.C. 20591, or by calling 202–426–8058. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11–2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Subpart C of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to realign VOR low altitude airways (V–36, V–157, and V–273) in part by utilizing the Teterboro, N.J., and Canarsie, N.Y., TVOR/DMEs. These actions will allow the FAA to establish profile descent procedures into Kennedy International Airport. The FAA believes that these actions will result in fuel and time savings to the users.

ICAO Considerations

As part of this proposal relates to the navigable airspace outside the United

[1] Map filed as part of original document.

States, this notice is submitted in consonance with the International Civil Aviation Organization (ICAO) International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 of and Annex 11 to the Convention on International Civil Aviation, which pertains to the establishment of air navigation facilities and services necessary to promoting the safe, orderly, and expeditious flow of civil air traffic. Their purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

DRAFTING INFORMATION

The principal authors of this document are Mr. David F. Solomon, Air Traffic Service, and Mr. Jack P. Zimmerman, Office of the Chief Counsel.

THE PROPOSED AMENDMENT

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.123 of Part 71 of the Federal Regulations (14 CFR Part 71) as republished (42 FR 307) as follows:

In V–36, "Kennedy, N.Y." is deleted and "Teterboro, N.J.; INT Teterboro 121°T (132°M) and Deer Park, N.Y., 209°T (221°M) radials." is substituted therefor.

In V–157, "Colts Neck, N.J.; to Kingston, N.Y." is deleted and "INT Robbinsville 033°T (043°M) and Teterboro, N.J., 196°T (207°M) radials; Teterboro; Kingston, N.Y." is substituted therefor.

In V–723, "From INT Sparta, N.J., 133° and Solberg, N.J., 051° radials; Sparta;" is deleted and "From INT Deer Park, N.Y., 209°T (221°M) and Canarsie, N.Y., 169°T (180°M) radials; Canarsie; Teterboro, N.J.; Sparta, N.J.;" is substituted therefor.

(Secs. 307(a), 313(a), and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348(a), 1354(a) and 1510); Executive Order 10854 (24 FR 9565); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65.)

NOTE: The FAA has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Exectiuve Order 11821, as amended by Executive Order 11949, and OMB Circular A–107.

Issued in Washington, D.C., on August 26, 1977.

EDWARD J. MALO,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.77–25444 Filed 8–31–77;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 21369; RM–2903]

FM BROADCAST STATION IN WHITEHALL, WISCONSIN

Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rule making.

SUMMARY: Action taken herein proposes the assignment of a first FM assignment to Whitehall, Wisconsin, at the request of Whitehall Broadcasting Co. Petitioner states the proposed assignment would provide county residents with new and information concerning their County Government.

DATES: Comments must be received on or before October 7, 1977, and reply comments must be received on or before October 27, 1977.

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

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

Adopted: August 22, 1977.

Released: August 31, 1977.

In the Matter of Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Whitehall, Wisconsin).

By the Chief, Broadcast Bureau:

1. *Petitioner, Proposal and Comments:* (a) Petition for rulemaking,[1] filed June 1, 1977, by Whitehall Broadcasting Co. ("petitioner") proposing the assignment of Channel 272A to Whitehall, Wisconsin, as a first FM assignment to that community.

(b) The channel could be assigned in full conformity with our minimum distance separation requirements. There were no oppositions to the proposal.

(c) Petitioner states that it will apply promptly for a construction permit if the channel is assigned.

2. *Community Data:*

(a) *Location:* Whitehall, seat of Trempealeau County, is located approximately 56 kilometers (35 miles) southeast of Eau Claire, Wisconsin.

(b) *Population:* Whitehall—1,486; Trempealeau County—23,334.[2]

(c) There is no local broadcast service in Whitehall or Trempealeau County.

3. *Economic Data:* Petitioner states that Whitehall is the largest community in Trempealeau County. It notes that agriculture is the principal occupation, particularly dairying and raising of beef cattle. Petitioner submitted information from the U.S. County and City Data Book, U.S. Bureau of Census, which indicates a level of manufacturing, retail sales, and other business activity in the county which would appear to provide an adequate economic base for the proposed station.

4. Petitioner states that the proposed assignment would provide county residents with news and information concerning their county government.

5. In light of the above information and the fact that the proposed FM station would provide the community with a first full-time local broadcast service, the Commission proposes to amend the FM Table of Assignments, Section 73.202(b) of the Rules, with regard to Whitehall, Wisconsin, as follows:

City	Channel No.	
	Present	Proposed
Whitehall, Wis.		272A

6. Authority to institute rule making proceedings; showings required; cut-off procedures; and filing requirements are contained in the attached Appendix and are incorporated herein.

NOTE: A showing of continuing interest is required by paragraph 2 below before a channel will be assigned.

7. Interested parties may file comments on or before October 7, 1977, and reply comments on or before October 27, 1977.

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

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (i), and 307(b) of the Communications Act of 1934, as amended, and Section 0.81(b)(6) of the Commission's Rules, it is proposed to amend the FM Table of Assignments. Section 73.202 (b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

[1] Public Notice of the filing of the petition was given on June 15, 1977 (Report No. 1053).

[2] Population figures are taken from the 1970 U.S. Census.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in Sections 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission Rules.)

5. *Number of copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C .

[FR Doc.77-25542 Filed 8-31-77;8:45 am]

DEPARTMENT OF TRANSPORTATION

Materials Transportation Bureau

[49 CFR Parts 172, 173, 174, 175, 176, 179]

[Docket No. HM-139 Notice No. 77-8]

INDIVIDUAL EXEMPTIONS, CONVERSION TO REGULATIONS OF GENERAL APPLICABILITY

Transportation of Hazardous Materials

AGENCY: Materials Transportation Bureau, DOT.

ACTION: Notice of Proposed Rule Making.

SUMMARY: The Materials Transportation Bureau is considering amending the regulations governing the transportation of hazardous materials to incorporate therein a number of changes based on existing exemptions which have been granted to individual applicants allowing them to perform particular functions in a manner that varies from that specified by the regulations. Adoption of these exemptions as rules of general applicability would provide wider access to the benefits of transportation innovations recognized as effective and safe.

DATES: Comments by September 30, 1977.

ADDRESS COMMENTS TO: Section of Dockets, Office of Hazardous Materials Operations, Materials Transportation Bureau, Department of Transportation Washington, D.C. 20590. It is requested that five copies be submitted.

FOR FURTHER INFORMATION CONTACT:

Alan I. Roberts, Director, Office of Hazardous Materials Operations, 2100 Second Street SW., Washington, D.C. 20590 (202-426-2075).

SUPPLEMENTARY INFORMATION: Each of the proposed amendments described in the table below is founded upon either: (1) Actual shipping experience gained under an exemption, or (2) the data and analysis supplied in the application. In each case the resulting level of safety being afforded the public is considered at least equal to the level of safety provided by the current regulations. Primary drafters of this proposal are Darrell L. Raines, and John C. Allen, Office of Hazardous Materials Operations, and George W. Tenley, Jr., Office of the Assistant General Counsel for Materials Transportation Law.

These proposals would not significantly affect the costs of regulatory enforcement, nor would additional costs be imposed on the private sector, consumers, or Federal, State or local governments, since these proposals would merely authorize the general use of shipping alternatives previously available to only a few users under exemptions. The safety record of shipments under the identified exemptions demonstrates that significant environmental impacts would not result from any of the proposals. Adoption of an amendment derived from an existing exemption would obviate the need for that exemption and effectively terminate it. Upon such termination, the holder of the exemption and parties thereto would be individually notified. Adoption of an amendment derived from an application for exemption should provide the relief sought, in which event the exemption request would be denied and the applicant so notified. In the event the Bureau decides not to adopt any of these proposals each pertinent application would be evaluated and acted upon in accordance with the applicable provisions of the exemption procedures in 49 CFR Part 107, Subpart B. Consequently, persons commenting on proposed amendments may wish to address both the proposed amendment and the exemption application. Consideration of comments of the merits of including within an amendment modes of transportation other than those for which the exemption application requested is anticipated. Each mode of transportation for which a particular exemption is authorized or requested is indicated in the "Nature of Exemption or Application" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo-only aircraft, 5—Passenger-carrying aircraft. The status of the exemption action is indicated in the column titled Identification Number where prefix "E" means an exemption has been issued and prefix "SP" means a special permit exists under previous authorities. The suffix "No" means no applications for exemptions are pending, but the Bureau is taking action by this proposal; the suffix "X" means a renewal application is pending; the suffix "P" means one or more party status applications are pending; and the suffix "N" means a new application for exemption is pending.

Proposed amendments of hazardous materials regulations to terminate special permits and exemptions

Identification No.	Applicant holder	Regulation affected	Nature of exemption or application	Nature of proposed amendment
E 3780-No	American Cyanamid Co..	173.328(a)(3)	Authorizes shipments of cyanogen chloride (containing less than 0.9 pct water), a class A poison, in DOT specification 3A480, 3AA480, or 3A480X cylinders as specified in sec. 173.332(a)(2). (Modes 1 and 2.)	To add par. (a)(3) to read: (3) Cyanogen chloride (containing less than 0.9 pct water) may also be packaged as prescribed by sec. 173.332(a)(2) of this subchapter
E 6127-No	Monsanto Co.	173.373(a)	Authorizes shipments of orthonitroaniline in insulated DOT specification MC 304, MC 307, MC 310, MC 311, or MC 312 tank motor vehicles having a steel inner tank. Commodity must be loaded in a liquefied state at a temperature not to exceed 180° F. (Mode 1.)	To add par. (6) to read: (6) Specification MC 304, MC 307, MC 310, MC 311, or MC 312 (secs. 178.340, 178.342, 178.343 of this subchapter). Tank motor vehicles. If the cargo tank is constructed with bottom outlets, they must meet secs. 178.342-5(a) and 178.343-5 of this subchapter. Cargo tank must be insulated and have a steel inner tank. Authorized only for orthonitroaniline loaded in a liquefied state at a temperature not over 180° F. Not authorized for transportation by water.
E 6238-No	Vicksburg Chemical Co.	173.182(b)(6)(i)	Authorizes shipments of potassium nitrate in DOT specification 44P plastic bag having a net weight of not over 81 lb. (Modes 1 and 2.)	To revise par. (i) to read: (i) Specification 44P (sec. 178.241 of this subchapter). All plastic bags. Maximum authorized net weight is 81 lb. Authorized only for ammonium nitrate mixed fertilizer, ammonium nitrate fertilizer (containing no more than 0.2 pct carbon) and potassium nitrate.
E 6502-No SP 6040-X	Allied Chemical Corp., Air Products & Chemicals, Inc.	173.34(e)(15)(ii)	Authorizes shipments of sulfur hexafluoride in DOT specification 3A and 3AA cylinders with the retest period specified in 49 CFR 173.34(e) extended to 10 yr. (Modes 1 and 2.)	To revise par. (15)(ii) to read: (15) • • • (i) • • • (ii) The cylinder is used exclusively for Air, argon, cyclopropane, ethylene, helium, hydrogen, krypton, neon, nitrogen, nitrous oxide, oxygen, sulfur hexafluoride, xenon, and permitted mixtures thereof (see sec. 173.301(a)) and permitted mixtures of these gases with up to 30 pct by volume of carbon dioxide. These commodities must have a dewpoint at or below minus 52° F at 1 atm.
E 6504-No	Chevron Chemical Co.	173.353(a)(7)	Authorizes shipments of methyl bromide and ethylene dibromide mixtures in tin-plated metal cans packed in a specification 12B30 fiberboard box. (Mode 1.)	To add par. (a)(7) to read: (7) Specification 12B30 (sec. 178.205 of this subchapter). Fiberboard box with inside tinplated metal cans containing not more than 6 oz of product per can. Cans must be capable of withstanding a pressure of 75 lb/in at 130° F. without leakage or permanent distortion. Not more than 12 cans may be packed snugly in the outside fiberboard box. Authorized only for methyl bromide and ethylene dibromide mixtures, liquid.
E 6838-No	Air Cruisers Co., Douglas Aircraft, American Airlines.	173.103(a), 175.3	Authorizes shipments of liferafts or slide rafts containing not more than 5 signal devices. (Modes 1, 3, 4, and 5.)	To add "Liferafts, inflatable" to 172.101[1] and to add para. 173.906 to read as follows:
(Add)		173.906	Liferafts, inflatable	An inflatable liferaft, serviced and ready for use as a lifesaving appliance aboard a vessel or aircraft, containing small quantities of hazardous materials which are required as part of the lifesaving appliance; e.g., a nonflammable compressed gas with no subsidiary hazards packaged in a cylinder complying with DOT regulations, class C explosives in the form of pyrotechnic devices, and flammable liquids in the form of a repair kit capable of repairing punctures in the buoyancy compartments, etc., must be packed in strong outside packagings.
E 7090-No E 7248-No E 7260-No	E. I. du Pont de Nemours & Co.; Atlas Powder.	176.415(c)	Authorizes the loading and unloading of certain packagings of nitro carbo nitrate and ammonium nitrate fertilizers at nonisolated port facilities. (Mode 3.)	To add par. (c)(5) to read: (5) If the material is ammonium nitrate (organic coated), ammonium nitrate-phosphate, an ammonium nitrate mixture containing more than 60 pct ammonium nitrate, or nitro carbo nitrate in nonrigid combustible packaging and loaded in freight containers or roll-on, roll-off highway vehicles, it may be loaded or unloaded at a nonisolated facility provided that facility meets the approval of the Coast Guard captain of the port.
E 7211-No	Kerr-McGee Chemical Corp.	173.251(b)(3)	Authorizes shipments of boron tribromide in DOT specification 37A steel drums with inside glass containers suitably cushioned and meeting requirements of sec. 173.251(b)(1). (Modes 1, 2, 3, and 5.)	To add para. (b)(3) to read: (3) Specification 37A (sec. 178.131 of this subchapter) steel drums with inside glass receptacles not over 1-qt capacity each. Inside containers and cushioning must comply with para. (b)(1) of this section. Not more than 4 8-oz glass receptacles or 2 1-qt glass receptacles may be packed within 1 8-gal 37A drum. Not more than 12 8-oz glass receptacles or 6 1-qt glass receptacles may be packed within 1 30-gal 37A drum. Completed package must meet test requirements of sec. 178.131-11 of this subchapter.
E 7470-No	Cities Services Co., Hooker Chemical & Plastics Corp., U.S. Industrial Chemicals Co., Phelps Dodge Corp.	173.241(a)(3), 179.200-18(b)(1), 179.201-1(a).	Authorizes shipments of various corrosive liquids in DOT specification 103AW, 103BW, 111A60W2, 111A100W2, and 111A100W5 tank car tanks having bursting pressure increased from 45 to 60 lb/in² on 103AW, 103BW, and 111A60W2 cars and from 75 to 100 lb/in² on 111A100W2 and 111A100W5 cars. (Mode 2.)	To revise para. (a)(3) to read: (3) Outage requirements for tank cars. In tank cars, outage must be calculated to percentage of the total capacity of the tank; i.e., shell and dome capacity combined. If the dome of the tank car does not provide sufficient outage, then vacant space must be left in the shell to make up the required outage. The outage for tank cars must not be less than 2 pct except that the outage for specification 103A, 103B, 103C, 103E, 103A-AL, 103C-AL, 104AW, 103CW, 103EW, 103ANW, 103A-ALW, tank cars must not be less than 1 pct.
		179.200-18(b)(1)	To increase the vent bursting pressure to not more than 100 pct of tank test pressure.	To revise para. (b)(1) to read: (1) When permitted in sec. 179.201-1, each tank or compartment used for the transportation of corrosive liquids, flammable solids, oxidizing materials, or poisonous liquids or solids, class B, need not be equipped with safety relief valves, but if not so equipped shall have 1 safety vent at least 1¼ in inside diameter, of an approved design which will prevent interchange with fixtures prescribed in sec. 179.200-16(a), and closed with a frangible disk of lead or other approved material of a thickness that will rupture at not more than 100 pct of tank test pressure. Means for holding disk in place shall be such as to prevent distortion or damage to disk when applied. Safety vent closure shall be chained or otherwise fastened to prevent misplacement. All tanks equipped with vent, shall be stenciled NOT FOR FLAMMABLE LIQUIDS."
		179.201-1		To revise the individual specification requirements in sec. 179.201-1 to read:[2]
E 7711-No	Illinois Central Gulf RR..	174.25(a)(2)(i)	Authorizes the use of the capital letter "X" instrad of asterisks (*) or the symbol for number (#).	To revise par. (a)(2)(i) to read: (i) In letters not less than ⅜ of an inch high, or (ii) In bold, upper-case letters not less than 1/10 of an inch high inside a rectangle made with any symbol such as asterisks (*), dollar sign ($), capital (X), or the symbol for number (#).
E 7810-X	Allied Chemical Corp.	173.314(c)	Authorizes shipments of dichlorodifluoromethane in DOT specification 106A500 and 106A500X multi-unit tank car tanks. (Mode 3.)	To revise note 7 to read: Note 7: Specification 106A or 110A tanks authorized only for transportation by rail freight, cargo vessel, and highway. (See 174.201, 176.200, and 177.834(m) of this subchapter for special requirements.)
7815-N	Miller Transporters, Inc..	173.119(m)(11)	Requests authority to transport acrylonitrile, a flammable liquid which is also poisonous, in DOT specifications MC 305 and MC 306 cargo tanks. (Mode 1.)	To revise par. (m)(11) to read: (11) Specification MC 305, MC 306, or MC 307 (secs. 178.340, 178.341, 178.342 of this subchapter). Tank motor vehicle meeting sec. 178.343-2(c) of this subchapter. Not authorized for flammable liquids which are also organic peroxides.

[1] See the following table:

§ 172.101 Hazardous materials table.

(1)	(2)	(3)	(4)	(5)		(6)		(7)		
				Packaging		Maximum net quantity in 1 package		Water shipments		
*/ W/ A	Hazardous materials description and proper shipping names	Hazard class	Label(s) required (if not excepted)	(a) Exceptions	(b) Specific requirements	(a) Passenger-carrying aircraft or rail car	(b) Cargo-only aircraft	(a) Cargo vessel	(b) Passenger vessel	(c) Other requirements
AW	Liferafts, inflatable	ORM-C	None	None	173.999	1 per inaccessible cargo compartment.	No limit	1,2	1,2	

[2] See the following table:

§ 179.201-1 Individual specification requirements.

DOT specifications	103A-ALW	103AW	103ALW	103ANW	103BW	103CW	103DW	103EW
(Revised) Minimum expansion capacity (see 179.200-14).	1 pct in dome	2 pct in dome	2 pct in dome	1 pct in dome	2 pct in dome	1 pct in dome	2 pct in dome	1 pct in dome.
(Revised) Vent-bursting pressure, pounds per square inch.	45	60	45	45	60	45	45	45.

	103W	104W	111A60ALW1	111A60ALW2	111A60W1 [1]	111A60W2	111A60W5	111A60W7
(Revised) Minimum expansion capacity (see 179.200-14).	2 pct in dome	2 pct in dome	2 pct in tank	2 pct in tank	2 pct in tank	2 pct in tank	2 pct in tank	2 pct in tank.
(Revised) Vent-bursting pressure, pounds per square inch.	45	45	45	45	45	60	45	45.

	111A100ALW1	111A100ALW2	111A100W1 [1]	111A100W2 [1]	111A100W3	111A100W4	111A100W5	111A100W6	111A60F1, [2] 111A100F1, [2] 111A100F2 [2]
(Revised) Minimum expansion capacity (see 179.200-14).	2 pct in tank	2 pct in tank	2 pct in tank	2 pct in tank	2 pct in tank	Footnote	2 pct in tank	2 pct in tank	
(Revised) Vent-bursting pressure, pounds per square inch.	75	75	75	100	75	75	100	75	

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53(e) and paragraph (a)(4) of App. A to Part 102.)

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

Issued in Washington, D.C. on August 24, 1977.

ALAN I. ROBERTS,
Director, Office of Hazardous Materials Operations.

[FR Doc.77-25111 Filed 8-31-77:8:45 am]

DEPARTMENT OF THE INTERIOR
Fish and Wildlife Service

[50 CFR Part 17]

ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Proposed Threatened Status nd Critical Habitat for Little Kern Golden Trout

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rulemaking.

SUMMARY: The Service proposes to determine the Little Kern golden trout (*Salmo aguabonita whitei*) to be a Threatened species and idenaify Critical Habitat for this species. This action is being taken because of the threatened modification of its habitat and the existing threats of hybridization with the introduced rainbow trout. This proposal would protect the populations of pure Little Kern golden trout and its habitat. This species occurs in Tulare County, California.

DATES: All relevant comments and materials with regard to this proposed rulemaking received no later than December 1, 1977, will be considered.

ADDRESSES: Comments and materials concerning this proposed rulemaking, preferably in triplicate, should be sent to the Director (FWS/OES), U.S. Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240. Comments and materials received will be available for public inspection during normal business hours at the Service's Office of Endangered Species, Suite 1100, 1612 K Street, N.W., 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 (202/343-4646).

SUPPLEMENTARY INFORMATION: Background.

Section 4(a) of the Act states:

General.—(1) The Secretary shall by regulation determine whether any species is an endangered species or a threatened species because of any of the following factors:

(1) the present or threatened destruction, modification, or curtailment of its habitat or range;

(2) overutilization for commercial, sporting, scientific, or educational purposes;

(3) disease or predation;

(4) the inadequacy of existing regulatory mechanisms; or

(5) other natural or manmade factors affecting its continued existence.

This authority has been delegated to the Director.

SUMMARY OF FACTORS AFFECTING THE SPECIES

These findings are summarized herein under each of the five criteria of Section 4(a) of the Act. These factors, and their application to the Little Kern golden trout, are as follows:

1. *The present or threatened destruction, modification, or curtailment of its habitat or range.*

The Little Kern golden trout is only known from the Little Kern River in Tulare County, California. In the Little Kern River watershed, the water quality of the streams inhabited by this fish is generally good. However, forestry management plans under consideration call for logging activities in a large portion of the drainage basin in which the trout occurs. This would result in an alteration

of existing water quality by increasing temperature and siltation which would seriously threaten the survival of the Little Kern golden trout.

2. *Overutilization for commercial sporting, scientific, or educational purposes.* Not applicable.

3. *Disease or predation.* Not applicable.

4. *The inadequacy of existing regulatory mechanisms.* Not applicable.

5. *Other natural or manmade factors affecting its continued existence.* Rainbow trout were introduced into the Little Kern River System in the 1930's. Subsequent hybridization between the Little Kern golden trout and the introduced rainbow trout resulted in a reduction in the number of pure populations of Little Kern golden trout. At present, pure populations of Little Kern golden trout exist only in headwater streams which were not stocked with rainbow trout or have barrier falls which have prevented upstream migration of rainbow trout.

CRITICAL HABITAT

Section 7 of the Act, entitled "Interagency Cooperation", states:

The Secretary shall review other programs administered by him and utilize such programs in furtherance of the purposes of this Act. All other Federal departments and agencies shall, in consultation with and with the assistance of the Secretary, utilize their authorities in furtherance of the purposes of this Act by carrying out programs for the conservation of endangered species and threatened species listed pursuant to section 4 of this Act and by taking such action necessary to insure that actions authorized, funded, or carried out by them do not jeopardize the continued existence of such endangered species and threatened species or result in the destruction or modification of habitat of such species which is determined by the Secretary, after consultation as appropriate with the affected States, to be critical.

An interpretation of the term Critical Habitat was published by the Fish and Wildlife Service and the National Marine Fisheries Service in the FEDERAL REGISTER of April 22, 1975 (40 FR 17764–17765). The areas delineated below do not necessarily include the entire Critical Habitat of the Little Kern golden trout and modifications to Critical Habitat descriptions may be proposed in the future. In accordance with Section 7 of the Act, all Federal departments and agencies would be required to insure that actions authorized, funded, or carried out by them do not result in the destruction or modification of the Critical Habitat of the Little Kern golden trout found within the areas delineated below.

Until publication of final Section 7 regulations, all Federal departments and agencies should, in accordance with Section 7 of the Act, consult with the Secretary of the Interior with respect to any action which is considered likely to affect Critical Habitat within the delineated areas. Consultation pursuant to Section 7 should be carried out using the procedures contained in the "Guidelines to Assist the Federal Agencies in Complying with Section 7 of the Endangered Species Act of 1973" which have been made available to the Federal agencies by the Service.

CRITICAL HABITAT DETERMINATION

Based upon literature reviews, Critical Habitat for the Little Kern golden trout includes the following areas (exclusive of those existing manmade structures or settlements which are not necessary to the survival or recovery of the species):

Little Kern River: California, Tulare County. Main channel of Little Kern River and all streams tributary to the Little Kern River above the junction of the Little Kern River and the Kern River.

EFFECTS OF THE RULEMAKING

The effects of these determinations and this rulemaking include, but are not necessarily limited to, those discussed below.

Endangered Species regulations already published in Title 50 of the Code of Federal Regulations set forth a series of general prohibitions and exceptions which apply to all Endangered species. All of those prohibitions and exceptions also apply to any Threatened species unless a special rule pertaining to that Threatened species has been published and indicates otherwise. The regulations referred to above, which pertain to Endangered species, are found at Section 17.21 of Title 50 and, for the convenience of the reader, are reprinted below.

§ 17.21 Prohibitions.

(a) Except as provided in Subpart A of this part, or under permits issued pursuant to § 17.22 or § 17.23, it is unlawful for any person subject to the jurisdiction of the United States to commit, to attempt to commit, to solicit another to commit or to cause to be committed, any of the acts described in paragraphs (b) through (f) of this section in regard to any endangered wildlife.

(b) *Import or export.* It is unlawful to import or to export any endangered wildlife. Any shipment in transit through the United States is an importation and an exportation, whether or not it has entered the country for customs purposes.

(c) *Take.* (1) It is unlawful to take endangered wildlife within the United States, within the territorial sea of the United States, or upon the high seas. The high seas shall be all waters seaward of the territorial sea of the United States, except waters officially recognized by the United States as the territorial sea of another country, under international law.

(2) Notwithstanding paragraph (c)(1) of this section, any person may take endangered wildlife in defense of his own life or the lives of others.

(3) Notwhithstanding paragraph (c)(1) of this section, any employee or agent of the Service, any other Federal land management agency, the National Marine Fisheries Service, or a State conservation agency, who is designated by his agency for such purposes, may, when acting in the course of his official duties, take endangered wildlife without a permit if such action is necessary to:

(i) Aid a sick, injured or orphaned specimen; or

(ii) Dispose of a dead specimen; or

(iii) Salvage a dead specimen which may be useful for scientific study; or

(iv) Remove specimens which constitute a demonstrable but nonimmediate threat to human safety, provided that the taking is done in a humane manner; the taking may involve killing or injuring only if it has not been reasonably possible to eliminate such threat by live-capturing and releasing the specimen unharmed, in a remote area.

(4) Any taking pursuant to paragraphs (c)(2) and (3) of this section must be reported in writing to the United States Fish and Wildlife Service, Division of Law Enforcement, P.O. Box 19183, Washington, D.C. 20036, within 5 days. The specimen may only be retained, disposed of, or salvaged in accordance with directions from the Service.

"(5) Notwithstanding paragraph (c)(1) of this section, any qualified employee or agent of a State Conservation Agency which is a party to a Cooperative Agreement with the Service in accordance with section 6(c) of the Act, who is designated by his agency for such purposes, may, when acting in the course of his official duties, take Endangered Species, for conservation programs in accordance with the Cooperative Agreement, provided that such taking is not reasonably anticipated to result in: (i) the death or permanent disabling of the specimen; (ii) the removal of the specimen from the State where the taking occurred; (iii) the introduction of the specimen so taken, or of any progeny derived from such a specimen, into an area beyond the historical range of the species; or (iv) the holding of the specimen in capivity for a period of more than 45 consecutive days."

(d) *Possession and other acts with unlawfully taken wildlife.* (1) It is unlawful to possess, sell, deliver, carry, transport, or ship, by any means whatsoever, any endangered wildlife which was taken in violation of paragraph (c) of this section.

Example. A person captures a whooping crane in Texas and gives it to a second person, who puts it in a closed van and drives thirty miles, to another location in Texas. The second person then gives the whooping crane to a third person, who is apprehended with the bird in his possession. All three have violated the law—the first by illegally taking the whooping crane; the second by transporting an illegally taken whooping crane; and the third by possessing an illegally taken whopping crane.

(2) Notwithstanding paragraph (d)(1) of this section, Federal and State law enforcement officers may possess, deliver, carry, transport or ship any endangered wildlife taken in violation of the Act as necessary in performing their official duties.

(e) *Interstate or foreign commerce.* It is unlawful to deliver, receive, carry, transport, or ship in interstate or foreign commerce, by any means whatsoever, and in the course of a commercial activity, any endangered wildlife.

(f) *Sale or offer for sale.* (1) It is unlawful to sell or to offer for sale in interstate or foreign commerce any endangered wildlife.

(2) An advertisement for the sale of endangered wildlife which carries a warning to the effect that no sale may be consummated until a permit has been obtained from the U.S. Fish and Wildlife Service shall not be considered an offer for sale within the meaning of this subsection.

Regulations published in the FEDERAL REGISTER of September 26, 1975 (40 FR 44412) provided for the issuance of permits to carry out otherwise prohibited activities involving Endangered or Threatened species under certain circumstances. Such permits involving Endangered species are available for scientific purposes or to enhance the propagation or survival of the species.

In some instances, permits may be issued during a specified period of time to relieve undue economic hardship which would be suffered if such relief were not available.

Pursuant to Section 4(b) of the Act, the Director will notify the Governor of California with respect to this proposal and request his comments and recommendations before making final determinations.

PUBLIC COMMENTS SOLICITED

The Director intends that the rules finally adopted will be as accurate and effective in the conservation of any Endangered or Threatened species as possible. Therefore, any comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, private interests or any other interested party concerning any aspect of these proposed rules are hereby solicited. Comments particularly are sought concerning:

(1) Biological or other relevant data concerning any threat (or the lack thereof) to the Little Kern golden trout;

(2) The location of and reasons why any habitat of the Little Kern golden trout should or should not be determined to be Critical Habitat as provided for by Section 7 of the Act;

(3) Additional information concerning the range and distribution of the Little Kern golden trout.

Final promulgation of the regulations on the Little Kern golden trout will take into consideration the comments and any additional information received by the Director and such communications may lead him to adopt final regulations that differ from this proposal.

An environmental assessment has been prepared in conjunction with this proposal. It is on file in the Service's Office of Endangered Species, 1612 K Street NW., Washington, D.C. 20240, and may be examined during regular business hours or can be obtained by mail. A determination will be made at the time of final rulemaking as to whether this is a major Federal action which would significantly affect the quality of the human environment within the meaning of Section 102(2)(C) of the National Environmental Policy Act of 1969.

This proposed rulemaking is issued under the authority contained in the Endangered Species Act of 1973 (16 U.S.C. 1531–1543; 87 Stat. 884), and the primary author is Dr. James D. Williams, Office of Endangered Species (202/343–7814).

Accordingly, it is hereby proposed to amend Part 17, Subchapter B of Chapter 1, Title 50 of the Code of Federal Regulations, as set forth below:

It is proposed to amend § 17.11 by adding in alphabetical order the following to the list of animals:

§ 17.11 Endangered and threatened wildlife.

Species			Range				
Common name	Scientific name	Population	Known distribution	Portion of range where threatened or endangered	Status	When listed	Special rules
Fish:							
Trout, Little Kern golden	*Salmo aguabonita whitei*	NA.	USA (California)	Entire	T		17.44(c)

Section 17.44 is amended by adding a new paragraph (c) as follows:

§ 17.44 Special rules—fishes.

* * * * *

(c) Little Kern golden trout (*Salmo aguabonita whitei*).

(1) All provisions of § 17.31 apply to this species, except that it may be taken in accordance with applicable State law.

(2) Any violation of State law will also be a violation of the Act.

Subpart I of Part 17 (Interagency Cooperation) is amended by adding the following streams as Critical Habitat:

§ 17.95 Critical habitat—fish and wildlife.

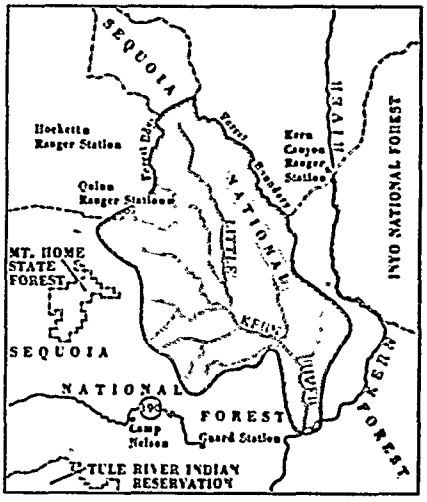
* * * * *

(e) Fishes * * *

(8) Little Kern golden trout.

(i) The following streams are Critical Habitat for the Little Kern golden trout (*Salmo aguabonita whitei*):

Little Kern River: California, Tulare County. Main channel of Little Kern River and all streams tributary to the Little Kern River above the junction of the Little Kern River and the Kern River.



NOTE.—The 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: August 25, 1977.

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

[FR Doc.77-25543 Filed 8-31-77;8:45 am]

National Oceanic and Atmospheric Administration

[50 CFR Part 259]

INTERIM FISHING VESSEL CAPITAL Construction Fund Procedures

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Proposed Rule.

SUMMARY: The Fishing Vessel Capital Construction Fund program provides for the deferment of Federal Income Tax on income from the operation of vessels when that income is reserved for the construction or reconstruction of fishing vessels. This proposed rule would expand the definition of "eligible" and "qualified" vessels.

"Eligible" vessels are those whose income is subject to tax deferment. "Qualified" vessels are those whose construction or reconstruction is paid for with tax deferred income from the fund. Under existing rules both "eligible" and "qualified" vessels are limited to vessels which earn significant income from catching, processing and transporting fish for commercial purposes. This proposed rule would amend the definition of "qualified" vessels by substituting as the prime test whether or not such vessels are docu-

mented by the U.S. Coast Guard for operation in the fisheries. Thus, commercial vessels carrying fishing parties for hire would be included in the definition of a "qualified" vessel if, in addition to documentation in the coastwise trade, such vessels are also documented in the fisheries. In addition, this proposed rule would amend the definition of "eligible" vessels by substituting as the prime test whether or not such vessels are operated in the foreign or domestic commerce of the United States (foreign trade, coastwise trade, fisheries trade are all acceptable).

The cause of this action is the restrictive definition of the term "fishing vessel" and present program procedures. That term, as presently defined, excludes commercial vessels with dual documentation in the coastwise and fisheries trades which carry fishing parties for hire. This action proposes to broaden the term to include this class of commercial fishing vessels.

The regulations are also amended to include vessels under five net tons, but not under two net tons, as provided for by the Tax Reform Act of 1976.

DATES: Comments must be received no later than October 3, 1977.

ADDRESS: Send comments to: Financial Assistance Division, National Marine Fisheries Service, Washington, D.C. 20235.

FOR FURTHER INFORMATION CONTACT:

Michael L. Grable, Chief, Financial Assistance Division, National Marine Fisheries Service, Washington, D.C. 20235, Telephone 202—634–7496.

SUPPLEMENTARY INFORMATION: Existing rules governing administration of the Fishing Vessel Capital Construction Fund program appear at 50 CFR Part 259. The program is authorized by Section 607 of the Merchant Marine Act, 1936, as amended, (46 U.S.C. 1177).

In order to allow a better understanding of the changes, amended § 259.30 (a) and (b) are proposed here in their entirety.

The proposed amendment follows:

Substitute for § 259.30 (a) and (b) the following:

§ 259.30 Application for Interim Capital Construction Fund Agreement ("Interim CCF Agreement").

(a) *General qualifications.* To be eligible to enter into an Interim CCF Agreement an applicant must:

(1) Be a citizen of the United States (citizenship requirements are those for documenting vessels in the coastwise trade within the meaning of section 2 of the Shipping Act, 1916, as amended);

(2) Own or lease one or more eligible vessels (as defined in sec. 607(k)(1) of the Act) operating in the foreign or domestic commerce of the United States.

(3) Have an acceptable program for the acquisition, construction, or reconstruction of one or more qualified vessels (as defined in sec. 607(k)(2) of the Act.) Qualified vessels must be for commercial operation in the fisheries of the United States. If the qualified vessel is 5 net tons or over, it must be documented in the fisheries of the United States. Dual documentation in both the fisheries and the coastwise trade of the United States is permissible. Any vessel which will carry fishing parties for hire must be inspected and certified (under 46 CFR Part 176) by the U.S. Coast Guard as qualified to carry more than six passengers. The program must be a firm representation of the applicant's actual intentions. Vague or contingent objectives will not be acceptable.

(b) *Content of application.* Applicants seeking an Interim CCF Agreement may make application by letter providing the following information:

(1) Proof of U.S. citizenship;

(2) The first taxable year for which the Interim CCF Agreement is to apply (see § 259.33 for the latest time at which applications for an Interim CCF Agreement relating to a previous taxable year may be received);

(3) The following information regarding each "eligible vessel" which is to be incorporated in Schedule A of the Interim CCF Agreement for purposes of making deposits into a CCF pursuant to section 607 of the Act:

(i) Name of vessel,

(ii) Official number, or, in the case of vessels under 5 net tons, the State registration number were required,

(iii) Type of vessel (i.e., catching vessel, processing vessel, transporting vessel, charter vessel, barge, passenger carrying fishing vessel, etc.

(iv) General characteristic (i.e., net tonnage, fish-carrying capacity, age, length, type of fishing gear, number of passengers carried or in the case of vessels operating in the foreign or domestic commerce the various uses of the vessel, etc.

(v) Whether owned or leased and, if leased, the name of the owner, and a copy of the lease,

(vi) Date and place of construction,

(vii) If reconstructed, date of redelivery and place of reconstruction.

(viii) Trade (or trades) in which vessel is documented and date last documented.

(ix) If a fishing vessel, the fishery of operation (which in this section means each species or group of species—each species must be specifically identified by acceptable common names—of fish, shellfish, or other living marine resources which each vessel catches, processes, or transports or will catch, process, or transport for commercial purposes such as marketing or processing the catch),

(x) If a fishing vessel, the area of operation (which for fishing vessels means the general geographic areas in which each vessel will catch, process, transport, or charter for each species or group of species of fish, shellfish, or other marine resources).

(4) The specific objectives to be achieved by the accumulation of assets in a Capital Construction Fund (to be incorporated in Schedule B of the Interim CCF Agreement) including:

(i) Number of vessels,

(ii) Type of vessel (i.e., catching, processing, transporting or passenger carrying fishing vessel),

(iii) General characteristics (i.e., net tonnage, fish-carrying capacity, age, length, type of fishing gear, number of passengers carried),

(iv) Cost of projects,

(v) Amount of indebtedness to be paid for vessels to be constructed, acquired, or reconstructed (all notes, mortgages, or other evidences of the indebtedness must be submitted as soon as available, together with sufficient additional evidence to establish that the full proceeds of the indebtedness to be paid from a CCF under and Interim CCF Agreement, were used solely for the purpose of the construction, acquisition, or reconstruction of Schedule B vessels),

(vi) Date of construction, acquisition, or reconstruction,

(vii) Fishery of operation (which in this section means each species or group of species—each species must be specifically identified by acceptable common name—of fish, shellfish, or other living marine resources).

(viii) Area of operation (which in this section means the general geographic areas in which each vessel will operate for each species or group of species of fish, shellfish, or other living marine resources).

Dated: August 23, 1977.

By order of the Administrator, National Oceanic and Atmospheric Administration.

RICHARD A. FRANK,
Administrator.

[FR Doc.77-25617 Filed 8-31-77;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.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

COMMITTEE ON RULEMAKING AND PUBLIC INFORMATION

Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given of a meeting of the Committee on Rulemaking and Public Information of the Administrative Conference of the United States, to be held at 10:00 a.m., September 15, 1977, at the ICC Building, 12th and Constitution Avenue NW., Hearing Room A, Washington, D.C.

The Committee will meet to discuss the new FTC trade regulation rulemaking procedures project being conducted by Professor Barry Boyer.

Attendance is open to the interested public, but limited to the space available. Persons wishing to attend should notify this office at least two days in advance. The Committee Chairman, if he deems it appropriate, may permit members of the public to present oral statements at the meeting; any member of the public may file a written statement with the Committee before, during or after the meeting.

For further information concerning this Committee meeting, contact Joseph B. Scott (202–254–7020). Minutes of the meeting will be available on requests.

JOSEPH B. SCOTT,
Executive Director.

AUGUST 24, 1977.

[FR Doc.77–25529 Filed 8–31–77;8:45 am]

COMMITTEE ON AGENCY DECISIONAL PROCESSES

Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given of a meeting of the Committee on Agency Decisional Processes of the Administrative Conference of the United States, to be held at 9:30 a.m., Thursday, September 15, 1977 in the office of Ginsburg, Feldman, & Bress, 1700 Pennsylvania Avenue NW., Suite 300, Washington, D.C.

The Committee will meet to discuss Professor Edward T. Tomlinson's study of statutory time limits for agency action. The Committee will also review the current status of other pending projects.

Attendance is open to the interested public, but limited to the space available. Persons wishing to attend should notify the Administrative Conference of the United States, 2120 L Street NW., Suite 500, Washington, D.C. 20037, at least two days in advance. The Committee Chairman may, if he deems it appropriate, permit members of the public to present oral statements at the meeting; any member of the public may file a written statement with the Committee before, during or after the meeting.

For further information concerning this Committee meeting contact David Pritzker (202–254–7065). Minutes of the meeting will be available on request.

JOSEPH SCOTT,
Executive Director.

AUGUST 26, 1977.

[FR Doc.77–25530 Filed 8–31–77;8:45 am]

COMMITTEE ON GRANTS, BENEFITS AND CONTRACTS

Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92–563), notice is hereby given of the tentative scheduling of a meeting of the Committee on Grants, Benefits and Contracts of the Administrative Conference of the United States, for 10:15 a.m., Thursday, September 15, 1977, in the library of the Administrative Conference, 2120 L Street NW., Suite 500, Washington, D.C.

The Committee will meet to discuss with Professor Lee Albert a possible project on mechanisms for resolving disputes under block grants.

Attendance is open to the interested public, but limited to the space available. Persons wishing to attend should notify the Administrative Conference of the United States, 2120 L Street NW., Suite 500, Washington, D.C. 20037, at least two days in advance. The Committee Chairman may, if he deems it appropriate, permit members of the public to present oral statements at the meeting; any member of the public may file a written statement with the Committee before, during or after the meeting.

For further information concerning this Committee meeting, contact David B. H. Martin, 202–254–7065. Minutes of the meeting will be available on request.

JOSEPH B. SCOTT,
Executive Director.

AUGUST 30, 1977.

[FR Doc.77–25694 Filed 8–31–77;8:45 am]

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

[Notice of Designation Number A497]

TEXAS

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in Hill County, Tex., as a result of extreme drought April 15 to July 14, 1977.

Therefore, the Secretary has designated this area as eligible for emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 94–68, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Dolph Briscoe that such designation be made.

Applications for emergency loans must be received by this Department no later than October 25, 1977, for physical losses and May 24, 1978, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, D.C. this 25th day of August 1977.

GORDON CAVANAUGH,
Administrator,
Farmers Home Administration.

[FR Doc.77–25429 Filed 8–31–77;8:45 am]

[Notice of Designation Number A493]

WYOMING

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in the following Wyoming Counties as a result of severe hailstorms June 9, 11, 12, 16, 18, 20, 21 and July 4, 1977, in Goshen County; June 16, 18 and July 14, 1977, in Laramie County; and June 18 and 20, 1977, in Platte County:

Therefore, the Secretary has designated this area as eligible for emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 94–68, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Ed Herschler that such designation be made.

Applications for emergency loans must be received by this Department no later than October 25, 1977, for physical losses and May 24, 1978, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed

rulemaking and invite public participation.

Done at Washington, D.C., this 25th day of August 1977.

GORDON CAVANAUGH,
Administrator,
Farmers Home Administration.

[FR Doc.77-25430 Filed 8-31-77;8:45 am]

Forest Service

MAUMELLE-SALINE UNIT

Availability of Draft Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Maumelle-Saline Unit Plan, Quachita National Forest, USDA-FS-R8-FES (Adm.) 77-06.

This unit covers 66,590 acres of National Forest land located in Perry, Saline and Garland counties, Ark. Major actions proposed are the management of human resources, environmental protection, natural resource management, and protection and administration of the Maumelle-Saline Unit.

This draft environmental statement was transmitted to CEQ August 23, 1977. Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Rm. 3210, 12th St. and Independence Ave. SW., Washington, D.C. 30350.
USDA, Forest Service, 1720 Peachtree Road, NW., Rm. 804, Atlanta, Ga. 30309.
USDA, Forest Service, Ouachita National Forest, P.O. Box 1270, Federal Building, Hot Springs, Ark. 71901.
USDA, Forest Service, Wiona Ranger District, Perryville, Ark. 72126.

A limited number of single copies are available upon request to Forest Supervisor, Ouachita National Forest, P.O. Box 1270, Federal Building, Hot Springs, Ark. 71901.

Comments are invited from the public, and from State and Local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor, Ouachita National Forest, P.O. Box 1270, Federal Building, Hot Springs, Ark. 71901. Comments must be received by October 22, 1977, in order to be considered in the preparation of the final environmental statement.

Dated: August 23, 1977.

ROBERT F. WILLIAMS,
Regional Environmental Coordinator.

[FR Doc.77-25531 Filed 8-31-77;8:45 am]

TIMBER MANAGEMENT PLAN, ALLEGHENY NATIONAL FOREST

Availability of Final Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture has prepared a final environmental statement on the Timber Management Plan for the Allegheny National Forest, USDA-FS-R9-FES-(ADM)-77-03.

The environmental statement concerns a proposed plan for managing the timber resource on the Allegheny National Forest for the period 7/1/76 through 9/30/84. The Allegheny National Forest is located in parts of Warren, Forest, Elk, and McKean Counties, Pennsylvania.

This final environmental statement was transmitted to CEQ on August 22, 1977.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3231, 12th St. and Independence Ave. SW., Washington, D.C. 20250.
USDA, Forest Service, Eastern Region, 633 West Wisconsin Ave., Milwaukee, Wis. 53203.
USDA, Forest Service, Allegheny National Forest, Spiridon Bldg., Box 847, Warren, Pa. 54552.

A limited number of single copies are available upon request to Forest Supervisor, Allegheny National Forest, Spiridon Building, Box 847, Warren, Pa. 16365.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ Guidelines.

AUGUST 22, 1977.

JAMES H. FREEMAN,
Director, Planning, Programming and Budgeting.

[FR Doc.77-25532 Filed 8-31-77;8:45 am]

Packers and Stockyards Administration

[P. and S. Docket No. 5485]

Notice of Order Extending Period of Suspension of Modifications of Rates and Charges

On July 25, 1977, an order was issued instituting the following proceeding under Title III of the Packers and Stockyards Act, 1921, as amended, 42 Stat. 159, as amended (7 U.S.C. 181 *et seq.*):

Emmett Livestock Commission, Inc., Emmett, Idaho.

Such order, among other things, suspended and deferred the operation and use by the respondent of modifications of his current schedule of rates and charges to become effective July 25, 1977, for a period of thirty days beyond the time such modifications would otherwise go into effect.

Notice is hereby given that, since the hearing in this proceeding could not be concluded within such period of suspension, an order has been issued in the above proceeding suspending and deferring the operation and use of such modifications of the current schedule of rates and charges for a further period of thirty days beyond the date when such modifications would have otherwise become effective.

Done at Washington, D.C., August 26, 1977.

CHARLES B. JENNINGS,
Administrator,
Packers and Stockyards Administration.

[FR Doc.77-25581 Filed 8-31-77;8:45 am]

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

NATIONAL ADVISORY COMMITTEE ON AN ACCESSIBLE ENVIRONMENT

Public Meeting

Notice is hereby given, pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463) that a meeting of the National Advisory Committee on an Accessible Environment will be held on September 18, 19, and 20, 1977 at 9 a.m. The September 18 meeting will be held at the Washington Hilton Hotel, 1919 Connecticut Avenue NW., Washington, D.C. The September 19 meeting will be held at Gallaudet College, 7th and Florida Avenues NE., Washington, D.C. in the Student Union. The September 20 meeting will be held at the Department of Health, Education, and Welfare, South Building, Room 1331, 330 C Street SW., Washington, D.C.

The National Advisory Committee on an Accessible Environment is established under the 1974 amendments to the Rehabilitation Act, Pub. L. 93-516, 29 U.S.C. 792, et seq. The Committee is established to provide advice, guidance, and recommendations to the Architectural and Transportation Barriers Compliance Board in carrying out its functions.

The meeting of the Committee shall be open to the public. On the first day, the Committee will discuss the status of activities since the previous meeting and call for government spokespersons to report on program activities and plans of the Architectural and Transportation Barriers Compliance Board. The full Committee will then break into subcommittee meetings to discuss specific area concerns. On the second day during the morning session, the reports and recommendations of the subcommittees will be presented to the full Committee. During the afternoon of the second day, the National Advisory Committee will host a Public Awareness Session concerning the activities and enabling legislation of the Architectural and Transportation Barriers Compliance Board and its Advisory Committee. On the third day, the Committee will meet in conjunction with the Architectural and Transportation Barriers Compliance Board.

Persons interested in attending the meeting should contact Ms. Laurinda Steele, Coordinator, Architectural and Transportation Barriers Compliance

Board, Mary E. Switzer Building, 330 C Street SW., Washington, D.C. 20201, Telephone 202-245-1801.

ROBERT JOHNSON,
Executive Director Architectural and Transportation Barriers Compliance Board.

[FR Doc.77-25533 Filed 8-31-77;8:45 am]

CIVIL AERONAUTICS BOARD

[Order No. 77-8-135; Docket No. 29123, Agreement C.A.B. 26210 R-1 through R-23, Agreement C.A.B. 26212 R-1 through R-4, Agreement C.A.B. 26213 R-1 through R-20]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Western Hemisphere Passenger Fares; Order on Reconsideration

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 26th day of August 1977.

By Order 77-3-62, March 11, 1977, the Board disapproved that portion of an agreement among the member carriers of the International Air Transport Association (IATA), which proposed increases in normal economy and excursion fares in the United States-Caribbean area for effect April 15, 1977. The Board found that the proposed economy fare level would be above cost, and that approval of the increased excursion fares would result in earnings above the Board's 12-percent return-on-investment (ROI) guideline for the four U.S. carriers serving this market.[1] Pan American has filed a petition for reconsideration of that decision.

Pan American alleges that the Board's disapproval of the proposed fare increases was based on a mistaken application of an ROI standard, contending that implicit in the Board's findings was the conclusion that the 12-percent standard for domestic passenger fares is equally applicable to Caribbean fares. Pan American contends that this standard has no applicability to international operations because, inter alia, the risks involved in international operations are greater than those involved in domestic operations and that the historical data upon which the cost of debt and equity capital were determined for purposes of developing that standard are now outdated. Pan American further claims that the standard was misapplied in the instant case because it was used as a maximum return rather than as a standard to be achieved on an average basis over the long run. The carrier also states that American's profits are overstated and that Delta's operations are given too much weight; both of which tend to distort the composite return in the Caribbean.

Pan Ameircan goes on to contend that the Board's treatment of demand elasticity is incorrect. The carirer states that the Board permitted use of an elasticity factor in evaluating international fare agreements up to 1976 and has used, and continues to use, an elasticity factor in its evaluation of doemstic fare proposals. Pan Ameircan alleges that it properly applied the concept in the case of the proposed Caribbean fares, despite the Board's claim to the contrary. It states that the Board's reasoning to the effect that elasticity estimates are not acceptable because they involve a great deal of speculation could equally be applied to other aspects of the carriers' forecasts which the Board routinely accepts.

Finally, Pan Ameircan alleges that the Board's disapproval of the proposed increase in normal economy fares is unreasonable since there is only a small difference between economy-class yield and average cost in its Caribbean services. The carrier claims that the Federal Aviation Act only requires a reasonable relationship between each fare category and average cost, not complete identity. Moreover, since normal economy-fare passengers involve costs in excess of the average, the Board's disapproval of the proposed economy fares is arbitrary, according to Pan Ameircan. The carirer also contends that American's costs in the Caribbean are understated, and that the Board's failure to include Eastern's cost and yield data resulted in a skewing of the industry's picture.

The Board finds that the petition raises no issues not adequately dealt with in our decision or that warrant reconsideration, and consequently the petition will be denied.

In disapproving the proposed increase in Caribbean normal economy fares, the Board acted consistently with decisions taken in other rate-making areas designed to prevent overcharging passengers who cannot avail themselves of discount fares. Based on data supplied by Pan American and American, the Board found that yield on the proposed normal economy fare was significantly in excess of average economic cost.[2] Although not so stated in the order, the data indicated that the yield would have exceeded economic cost by approximately 25 percent. Pan American's argument that the absence of Eastern's data resulted in a biased yield/cost comparison would not alter our conclusion even were it to be accepted.[3] Eastern's forecast normal economy yield of 13.28 cents, as given by Pan American, is 6.2 percent above its economic cost per RPM of 12.51 cents.[4] Thus, yield would remain well in excess of average cost on a composite basis, even if Eastern's data were included.[5]

The Board employed the 12-percent ROI standard developed in the Domestic Passenger-Fare Investigation (DPFI), Docket 21866, as a guideline in evaluating the Caribbean fare agreement, just as it has done in evaluating all international rate and fare agreements since 1972. Pan American apparently does not take issue with the concept of an ROI guideline in evaluating international rate agreements but argues, rather, that 12 percent is not the correct level; that it should be higher, primarily to account for the greater risks allegedly involved in international operations. However, no showing has been made here which would justify an alternative, for present purposes, to the 12-percent return found reasonable in Phase 8 of the DPFI. The carriers incur debt and raise equity on a system or corporate basis and the data studied by the Board in Phase 8 reflect international as well as domestic operations. Application of the 12-percent ROI as a benchmark in evaluating international operations, therefore, appears reasonable, based on currently available information. In any event, the Board has specifically requested the carrier parties to the North Atlantic Fare Investigation, Docket 27918, to address this issue (Order 77-7-4, July 1, 1977).

In reaching its disposition of the agreement, the Board estimated that the combined ROI of the four U.S. carriers in the U.S.-Caribbean market, after adjustments, would be 13.8 percent under the proposed fares. Disapproval of the proposed increase in normal economy fares had the effect of reducing this return to approximately 12.4 percent, still considered excessive by the Board, and prompted disapproval of the proposed increase in excursion fares, as well. Pan American claims that the Board's failure to permit a fare increase which would result in a 12.4-percent composite return indicates a rigid application of 12 percent as a ceiling. We do not agree. In our view, it is a question of where to draw the line around the 12-percent guideline depending on the level and structure of fares presented for approval. In any event, subsequent to the Board's disapproval of the IATA-agreed four-percent increase in excursion fares, the Board permitted the U.S. carriers to increase excursion fares by slightly more than three percent, effective May 15, 1977, pursuant to unilateral tariff filings. The carriers' justifications indicate a composite ROI of 11.9 percent under these new fares. Thus, no useful purpose would be served were the Board to grant

[1] The four U.S. carriers are American Airlines, Inc. (American), Delta Air Lines, Inc. (Delta), Eastern Air Lines, Inc. (Eastern), and Pan American World Airways, Inc. (Pan American).

[2] Average economic cost is total operating expense per revenue passenger-mile (RPM) plus a 12-percent return.

[3] Eastern and Delta did not supply the information requested in Order 76-11-141, November 29, 1976, regarding economy-class yields and were, therefore, not included in the analysis.

[4] Pan American gives the difference as 3.3 percent based on a cost per RPM of 12.86 cents. The Board's figure is taken from Eastern's data in Appendix A of the subject order, which Pan American does not challenge.

[5] Although Pan American claims that carriage of normal economy-fare passengers involves costs in excess of average cost, it does not provide an estimate of this difference. It is quite likely that the difference, if any, is relatively small. This issue will be reviewed in the North Atlantic-Fares Investigation, Docket 27918.

Pan American's petition with respect to this issue.[6]

Pan American also points to the fact that Delta operates only one flight per week to the Caribbean area and that the composite 12.4 percent return was overly influenced by the operations of this carrier, since excluding Delta from the computation would have produced a composite return below 12 percent. It is, of course, axiomatic that any change in the weighting of individual items which make up an average will alter that average. Beyond that, however, Pan American has provided no grounds for excluding Delta's operations from the composite return. Delta's is a small operation in the Caribbean although, in addition to the one weekly frequency cited by Pan American, the carrier operates three daily round trips to Nassau, the Bahamas, and Bermuda. Delta's size is not a valid basis for excluding the carrier from the composite return of the U.S. carriers.

As the Board noted in its order, the real problem in determining the appropriate fare level for the Caribbean is the fact that there is a wide disparity in earnings among the four U.S. carriers in this market. Delta and American realize a relatively high level of earnings while both Pan American and Eastern are substandard in this respect and both continue to reduce their operations in this area. Pan American's claim that Delta's Caribbean operations are too insignificant to be included in the composite return, as well as its claim that American's Caribbean costs are understated, are really calls for basing disposition of Caribbean fare agreements on its own revenue need and that of Eastern.[7] As indicated in our earlier order, the Board is quite aware of this situation and is receptive to suggestions that might provide a more satisfactory opportunity for all carriers to earn a reasonable return. However, we cannot ignore the fact that, as among the U.S. carriers, Delta and American operate almost half the revenue passenger-miles to/from the Caribbean. The combined return of these two carriers under a continuation of present fares was forecast at approximately 20 percent, and was expected to climb to about 24 percent under the IATA-proposed fare increases. We cannot accept the proposition that these impressive results be ignored.

Pan American's interpretation of the Board's position on price elasticity of demand appears to miss the central point.[8] In the Board's view, the case for a specific elasticity coefficient in any given international market has not been made to date. Given the complex international fare structure, with its myriad cross-elasticities, the differing mix of business and discretionary travel in various markets, and the difficulty in forecasting economic and demographic variables for a large number of foreign countries, to cite some of the more obvious problems, it is not surprising that there is a lack of persuasive evidence on demand elasticity in the international arena.[9] The Board does not deny the existence of demand elasticity, but we find the entire subject of forecasting so speculative that the type of refinement involved in such an adjustment, which in itself is highly speculative, is simply not acceptable.[10]

We therefore conclude that the issues raised by Pan American are not sufficient to warrant reversal of our disapproval of fare increases in Order 77-3-62, and Pan American's petition will therefore be denied.

Accordingly, *it is ordered*, that:

The petition of Pan American World Airways, Inc., for reconsideration of Order 77-3-62 be denied.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[11]

PHYLLIS T. KAYLOR,
Secretary.

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 23rd day of August, 1977.

[Order 77-8-107; Docket Nos. 29580; 30241; 31311]

ALLEGHENY AIRLINES, ET AL.

Order

By the Civil Aeronautics Board.[11]

filed July 28, 1976, Allegheny Airlines seeks removal of its one-stop restriction in Cincinnati-Cleveland market (Docket 29580).[1]

In addition, on December 21, 1976, Wright Air Lines, Inc., filed an application in Docket 30241, for a certificate of public convenience and necessity authorizing it to provide nonstop service between Cincinnati and Cleveland. On December 23, 1976, Wright filed a motion for hearing on its application.

In support of its Subpart M application, Allegheny alleges, inter alia, that (1) the Cincinnati-Cleveland market is served on a nonstop basis by only one carrier, American Airlines;[2] (2) its service pattern will result in a significant improvement over American's existing service; (3) it will achieve a $464,000 excess over its return and tax requirement; and (4) improved Cincinnati-Cleveland authority would result in better operational flexibility in the western part of its system.

In support of its Subpart A application, Wright alleges, inter alia, that (1) its proposed service, consisting of two daily-round trip flights, would be designed to meet the needs of local business travelers wishing to make a one day commuter trip between Cincinnati and Cleveland; [3] (2) its service would end the historic downgrading of service by the incumbents in the market; (3) its service would be to Burke Lakefront Airport in Cleveland, a downtown airport, and would be a substantial added convenience to business travelers; [4] (4) it would not

[6] Pan American claims that the Board under-estimated American's fuel cost, citing the fact that the carrier's February fuel price increased by 43 percent over the January price used by the Board. It appears that this increase was temporary since the May price is 25.91 cents per gallon, well below the January price of 27.51 cents per gallon used by the Board.

[7] As evidence of its claim that American's Caribbean costs are understated, Pan American cites the fact that while only 12 percent of American's system operating revenue comes from its Latin American Division, approximately 27 percent of its system operating profit comes from that Division. However, only about one quarter of American's Latin American Division revenue comes from the Caribbean passenger operations under consideration here; the balance comes from operations to/from Mexico, Puerto Rico and the Virgin Islands, as well as from cargo and charter operations. The data cited by Pan American shed very little light on the issue of American's allocation of costs to the Caribbean.

[8] In Order 77-2-32, the Board stated that there was no evidence that the carriers perform all the steps required for the proper application of an elasticity coefficient. In its petition here, Pan American has provided information in addition to that contained in its original justification which indicates that the carrier has, in fact, followed the correct procedure in applying elasticity.

[9] The difficulties of producing reliable estimates of elasticity in international markets are stressed by most authors who attempt it. For a general discussion of these problems, see, for example, Guy Orcutt, "Measurement of Price Elasticities in International Trade," The Review of Economics and Statistics (May 1950), pp. 118-127. Furthermore, studies of the North Atlantic market indicate that the demand curve is relatively elastic within the range of observed prices. See, for example, M. Straszheim, The International Airline Industry (Washington: The Brookings Institution, 1969), M. H. Cooper and A. K. Maynard, The Price of Air Travel (London: The Institute of Economic Affairs, 1971), and W. Watkins and D. Kaylor, Forecast of Scheduled International Air Travel of U.S. Flag Carriers 1971-1980 (Washington: Civil Aeronautics Board, 1971). The facts that the carriers use coefficients in the relatively inelastic range to adjust their traffic forecasts in this market and that they do not make corresponding adjustments in their forecast load factor tend to support the Board's contention that the carriers' use of elasticity is somewhat self-serving.

[10] Although the Board employs an elasticity coefficient of −0.7 for domestic fares, which was developed pursuant to a full investigation in Phase 7 of the DPFI, it has virtually no effect on fares as long as the load-factor adjustment is made.

[11] All Members concurred except Chairman Kahn and Member Bailey who did not participate.

[1] The Board stayed further procedural steps with respect to Allegheny's application by Order 76-8-59, Auguust 11, 1976.

[2] Although Trans World Airlines has unrestricted authority, it has not provided service since 1966.

[3] Existing service in the market consists of (1) American's nonstop flights, departing Cincinnati at 7:00 a.m., 1:55 p.m. and 7:25 p.m., and departing Cleveland at 7:55 a.m. and 8:35 p.m., and (2) Allegheny's one-stop flights, departing Cincinnati at 7:00 a.m. and departing Cleveland at 9:53 p.m. Wright's proposed nonstop flights would depart Cincinnati at 9:05 a.m. and 6:45 p.m., and depart Cleveland at 7:30 a.m., and 5:10 p.m. Official Airline Guide, August 1, 1977.

[4] Allegheny and American serve Cleveland Hopkins International, which is located 10 miles to the southwest of Cleveland. Burke Lakefront, on the other hand, is located less than one mile north of the city.

divert traffic from the incumbents, American and Allegheny, but rather would substantially stimulate the market; and (5) it can operate the route at a profit and achieve a six-percent return on investment.

Statements requesting dismissal of Allegheny's application were filed by American and Delta Air Lines. American contends that its Cincinnati-Cleveland load factors are distinctly unsatisfactory, averaging only 50.3% in the first six months of 1976, and that, therefore, there is no need for an additional nonstop carrier in the market. Delta argues that the grant of new authority in the Cincinnati-Cleveland market is too complex to be heard under Subpart M because of TWA's dormant authority and the existence of multiple air carriers holding various degrees of authority between Cincinnati and Cleveland.[5]

The City of Cleveland filed an answer in support of Wright's application and the Greater Cincinnati Chamber of Commerce, the Kenton County Airport Board, and the City of Cincinnati filed a joint answer in support of Allegheny's application.

Upon consideration of the above pleadings and all the relevant facts, we have decided, pursuant to Subpart A of the Board's Rules, to institute the Cincinnati-Cleveland Nonstop Route Proceeding, Docket 31311, for the purpose of considering whether the public convenience and necessity require the certification of an additional carrier or carriers to provide nonstop service between Cincinnati and Cleveland, Ohio. The applications of Wright and Allegheny will be consolidated into this proceeding. In view of the fact that TWA's authority has been dormant since 1966, we will also place in issue, pursuant to our authority under section 204 of the Act, the question of whether TWA's nonstop Cincinnati-Cleveland authority should be altered, amended, modified or suspended pursuant to section 401(g) of the Act,[6] or whether it should be suspended pursuant to section 401(j).

Although this proceeding will be conducted pursuant to Subpart A of the Board's Rules, rather than Subpart M, we direct that the administrative law judge move as expeditiously as possible in processing these applications. In addition, we note that no objections have been filed to Wright's application. Accordingly, if by the date of the prehearing conference there is no opposition to that application, we propose to use show cause procedures to process Wright's request.

By Notice of Environmental Rejection, issued with this order, the Chief, Legal Division, Bureau of Operating Rights, has found, pursuant to section 312.13 of the Board's Procedural Regulations, that the proceeding instituted herein is not one which could lead to a "major Federal action significantly affecting the quality of the environment" within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969. However, that conclusion is not intended to foreclose any party from presenting evidence (subject to the usual evidentiary rules in force in CAB proceedings) or from making arguments with respect to relevant environmental issues. Nor are we foreclosed from consideration of environmental facts which might be relevant to our decision.

Accordingly, *it is Ordered*, That:

1. A proceeding to be known as the Cincinnati-Cleveland Nonstop Route Proceeding, Docket 31311, be instituted and be set down for hearing before an administrative law judge of the Board at a time and place hereinafter designated as the orderly administration of the Board's docket permits;

2. The proceeding instituted by paragraph 1, above, shall include consideration of the following issues:

(a) Do the public convenience and necessity require certification of an additional air carrier or carriers to engage in nonstop air transportation between Cincinnati, Ohio, and Cleveland, Ohio?

(b) If the answer to (a) is in the affirmative, which air carrier(s) should be authorized to engage in such service?

(c) What conditions, if any, should be placed on the operation of such carrier(s)?

(d) Should Trans World Airlines' nonstop authority between Cincinnati and Cleveland be altered, amended, modified, or suspended pursuant to section 401(j) of the Act?[7]

3. The applications of Wright Air Lines, in Docket 30241, and Allegheny Airlines, in Docket 29580, be consolidated into the proceeding instituted by paragraph 1, above;

4. Any authority awarded in this proceeding will be ineligible for subsidy;

5. The Motion of Wright Air Lines for hearing be granted; and

6. Applications, motions to consolidate and petitions for reconsideration of this order shall be filed within twenty days from the service date of this order and answers thereto shall be filed within 10 days thereafter.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[8]

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-25578 Filed 8-31-77;8:45 am]

[Docket No. 31311]

CINCINNATI-CLEVELAND NONSTOP ROUTE PROCEEDING

Notice of Environmental Rejection

In connection with their respective applications for nonstop authority between Cincinnati, Ohio, and Cleveland, Ohio, consolidated into the above referenced proceeding by Order 77-8-107, dated August 23, 1977, Allegheny Airlines and Wright Air Lines submitted environmental evaluations pursuant to section 312.12(a)(1) of the Board's Procedural Regulations.

Wright's environmental evaluation is based upon the assumption that it would operate two daily nonstop round-trip flights between Cincinnati and Cleveland, using Convair 600 equipment. Allegheny's calculations are based upon the assumption that it would add two daily round trips between Cincinnati and Cleveland, one of which would extend beyond Cleveland to Toronto, and the other of which would extend to Hartford/Springfield. Allegheny would use BAC-1-11 equipment.

Pursuant to sections 312.8 and 312.13 of the Board's Procedural Regulations, the undersigned—having reviewed the environmental evaluation and other available information with respect to the applications described above and having been duly designated by the Director, Bureau of Operating Rights, pursuant to section 312.8—hereby finds that any subsequent Board action approving, denying, or otherwise acting upon such applications would not constitute a "major Federal action significantly affecting the quality of the environment" within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969.

Dated at Washington, D.C., August 23, 1977.

BARBARA A. CLARK,
Chief, Legal Division,
Bureau of Operating Rights.

[FR Doc.77-25579 Filed 8-31-77;8:45 am]

COMMISSION ON CIVIL RIGHTS

NEBRASKA ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Nebraska Advisory Committee (SAC) of the Commission will convene at 10:30 am on September 26, 1977, and will end at 2:00 pm, at the Howard Johnson's Motel, 3650 South 72nd Street, Caribbean Room, Omaha, Nebraska.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Central States Regional Office of the Commission, Old Federal Office Building, Room 3103, 911 Walnut Street, Kansas City, Missouri 64106.

The purpose of this meeting is to review and discuss the Committee's private sector employment study and to discuss future SAC activities.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., August 29, 1977.

JOHN I. BINKLEY,
Advisory Committee
Management Officer.

[FR Doc.77-25469 Filed 8-31-77;8:45 am]

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[5] Allegheny, American, Delta, and TWA.

[6] This issue will include the question of the deletion of TWA's nonstop authority.

[7] This issue will include the question of the deletion of TWA's nonstop authority.

[8] All Members concurred.

WYOMING ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Wyoming Advisory Committee (SAC) of the Commission will convene at 10:30 a.m. on September 24, 1977 and will end at 12:30 p.m., at the Job Service Center, 506 West 17th Street, Cheyenne, Wyoming.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Rocky Mountain Regional Office of the Commission, Executive Tower Inn, Suite 1700, 1405 Curtis Street, Denver, Colorado, 80202.

The purpose of the meeting is to discuss future projects and Commission procedures.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., August 29, 1977.

JOHN I. BINKLEY,
Advisory Committee Management Officer.

[FR Doc.77-25470 Filed 8-31-77;8:45 am]

DEPARTMENT OF COMMERCE

Economic Development Administration

FOOTLIGHT PARADE, INC.

Notice of Petition for a Determination of Eligibility To Apply for Trade Adjustment Assistance

A petition by Footlight Parade, Inc., 180 Varick Street, New York, N.Y. 10014, a producer of footwear for women, was accepted for filing on August 24, 1977, pursuant to Section 251 of the Trade Act of 1974 (P.L. 93-618) and Section 315.23 of the Adjustment Assistance Regulations for Firms and Communities (13 CFR Part 315). Consequently, the United States Department of Commerce has initiated an investigation to determine whether increased imports into the United States of articles like or directly competitive with those produced by the firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of the petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Chief, Trade Act Certification Division, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business of the tenth calendar day following the publication of this notice.

JACK W. OSBURN, JR.,
Chief, Trade Act Certification Division, Office of Planning and Program Support.

[FR Doc.77-25536 Filed 8-31-77;8:45 am]

COMMISSION ON FEDERAL PAPERWORK

PUBLIC MEETING

Notice is hereby given of the fifteenth regular meeting of the Commission on Federal Paperwork to be held on September 9, 1977, in Room 2154, Rayburn House Building, Washington, D.C.

The meeting will begin at 9:00 a.m. and will continue until approximately 12:00 noon. The meeting will be open to the public. The Commission will review progress on approved projects, including reports in the following areas: Information Resource Management, Federal Reports Act of 1942/The Clearance Process, Ombudsman Activities, Summary Impact Studies, Information Value/Burden Assessment, Service Management and the Final Summary Report.

Anyone wishing to attend the meeting is invited. For further details, contact the Commission on Federal Paperwork, Room 2000, 1111 20th Street NW., Washington, D.C. 20582, telephone—202-653-5400.

FRANK HORTON,
Chairman.

[FR Doc.77-25701 Filed 8-31-77;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

PRODUCT SAFETY ADVISORY COUNCIL

Meeting

AGENCY: Consumer Product Safety Commission.

ACTION: Notice of Meeting: Product Safety Advisory Council.

SUMMARY: This notice announces a meeting of the Product Safety Advisory Council (PSAC) on Monday, September 19, 1977 from 9:00 a.m. to 5:00 p.m. and Tuesday, September 20, 1977 from 9:00 a.m. to 4:00 p.m. in the Third Floor Hearing Room, 1111 18th St. NW., Washington, D.C.

SUPPLEMENTARY INFORMATION: The Advisory Council was established by Section 28 of the Consumer Product Safety Act (CPSA), which provides that the Commission may consult with the Council before prescribing a consumer product safety rule or taking other action under the Act.

The proposed agenda for this meeting is as follows:

Monday, September 19—9 a.m. to 5 p.m.

(1) *Orientation/Current Status of CPSC Activities.* This portion of the meeting is intended to familiarize newly appointed Council members with the legislative mandate of the Commission and to bring the full Council up to date on current Commission activities, including Section 15, CPSA, (substantial hazards); Section 12, CPSA, (imminent hazards); Section 27(e), CPSA, (labeling); information and education; Commissioning of State officials for the purpose of performing inspections and investigations under four of the Acts administered by CPSC; NEISS revision (CPSC data-collection system); and the role of the Advisory Council.

(2) *Voluntary Standards Policy.* Discussion and review of CPSC experience to date with voluntary standards efforts, proposed draft policy statement on voluntary standards, and Council viewpoints on a pending issue related to whether CPSC should "endorse" voluntary standards determined to be effective.

Tuesday, September 20—9 a.m. to 4 p.m.

(1) *Committee Management Regulations.* A review of CPSC Committee Management Regulations including conflict of interest guidelines, travel procedures, and other administrative matters pertaining to membership on the Advisory Council.

(2) *Interagency Activities on Hazardous Substances.* A review and discussion of the interagency agreement between CPSC, FDA, EPA, and OSHA to examine, assess, and redesign, if necessary, the processes by which each agency regulates chemicals which impact people and the environment to determine ways these agencies may collectively and effectively control hazardous materials for the protection of the public health.

(3) *Legislative Initiatives for FY 1979.* A review of possible legislative plans submitted to OMB with the FY 1979 Budget request.

(4) *Open Discussion.* Plans for the next meeting; election of PSAC member chairperson, and other items of interest to Council members.

The meeting is open to the public; however, space is limited. Persons who wish to make oral or written presentations to the Advisory Council should notify the Office of the Secretary (see address below) by September 12, 1977.

The notification should list the name of the individual who will make the presentation, the person, company, group or industry on whose behalf the presentation will be made, the subject matter and the approximate time requested.

CONTACT PERSON FOR ADDITIONAL INFORMATION:

Dee Wilson, Committee Management Officer, Office of the Secretary, Suite 300, 1111 18th St., N.W., Washington, D.C. 20207 (202-634-7700).

Dated: August 29, 1977.

RICHARD E. RAPPS,
Secretary.

[FR Doc.77-25427 Filed 8-31-77;8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY

TSCA/INTERAGENCY TESTING COMMITTEE

Meetings

This notice is intended to advise all interested persons of the TSCA Interagency Testing Committee meeting established under Section 4(e) of the Toxic

Substances Control Act for the purpose of making recommendations to the Administrator of the Environmental Protection Agency regarding priorities for issuance of requirements for testing chemical substances and mixtures.

On Thursday, September 8, 1977, the TSCA/ITC will meet at 9 a.m., Room 2010, New Executive Office Building, 726 Jackson Place NW. The Committee will review public comments received on (1) the procedures used in developing the Preliminary List; (2) the content of the Preliminary List; and (3) the specific types of test data needed on substances appearing on the Preliminary List. These comments will assist the Committee in establishing a criteria for selecting chemicals to appear on the final list. Interested persons are invited to attend.

The TSCA/ITC will meet on Thursday, September 15, 1977, at 9 a.m., Room 2010, New Executive Office Building, 726 Jackson Place NW. The Committee plans to reduce the list of chemicals for consideration in the final report. If required, the meeting will extend to September 16. The public is invited. No meeting is scheduled for September 22.

Dated: August 30, 1977.

WARREN R. MUIR,
Chairman, TSCA/ITC.

[FR Doc.77-25715 Filed 8-31-77;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Army

ROCKY MOUNTAIN ARSENAL, COLORADO

Filing of Final Environmental Impact Statement

In compliance with the National Environmental Policy Act of 1969, the Army on September 2, 1977 provided the Council on Environmental Quality with the Final Environmental Impact Statement concerning Part I—Pilot Containment Operations at the Rocky Mountain Arsenal, Colorado.

Copies of the statement have been forwarded to concerned Federal, State and local agencies. Interested organization or individuals may obtain copies from Office of the DA Project Manager for Chemical Demilitarization and Installation Restoration, Building E4585, ATTN: DRCPM-DR-T (CPT J. R. Kolmer), Aberdeen Proving Ground, MD, phone 301-671-2270.

In the Washington area, inspection copies may be seen in the Environmental Office, Office of the Assistant Chief of Engineers, Room 1E676, Pentagon, Washington, D.C. 20310, phone 202-694-1163.

Dated: August 26, 1977.

CHARLES R. FORD,
Acting Assistant Secretary of the Army (Civil Works).

[FR Doc.77-25582 Filed 8-31-77;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. I-383]

COMMON CARRIER SERVICES INFORMATION

International and Satellite Radio Applications Accepted for Filing

AUGUST 29, 1977.

The Applications listed herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any of these applications if, upon further examination, it is determined they are defective and not in conformance with the Commission's rules, regulations and its Policies. Final action will not be taken on any of these applications earlier than 31 days following the date of this notice. Section 309(d)(1).

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

SATELLITE COMMUNICATIONS SERVICES

Correction Report No. I-378 dated 8-16-77. Entry should have read as follows:

CO 592-DSE-P-77—Rocky Mountain Corporation for Public Broadcasting and School District No. 1 in the city and county of Denver and State of Colorado.

AK 634-DSE-MP-P-77—RCA Alaska Communications, Inc. (KE25), Unalakleet, AK. Modification of Construction permit to make several changes of technical and operating particulars.

MN 627-DSE-P/L-77—John Edmund Kiernat, d.b.a. Community Cable Co., Ortonville, MN. For authority to construct, own and operate a domestic communications satellite receive-only Earth station at this location. Lat. 45°19'00" N. Long. 96°26'39" W. Rec. freq: 3700-4200 MHz. Emission 36000F9. With a 4.5-meter antenna.

PR 629-DSE-P/L-77—Cable Television of Puerto Rico, Bayamon, PR. For authority to construct, own and operate a domestic communications satellite receive-only Earth station at this location. Lat. 18°18'53" N. Long. 66°09'25" W. Rec. freq: 3700-4200 MHz. Emission 36000F9. With a 10-meter antenna.

ND 630-DSE-P/L-77—Communications Systems, Inc., Dickinson, ND. For authority to construct a domestic communication satellite receive-only Earth station at this location. Lat. 46°55'26" N. Long. 102°43'59" W. Rec. freq: 3700-4200 MHz. Emission 36000 F9. With a 4.5-meter antenna.

FL 631-DSE-MP-77—Southland Satellite Services, Inc., Merritt Island, FL. For authority to construct, own and operate a domestic communications satellite receive-only Earth station at this location. Lat. 28° 26'28" N. Long. 80°42'59" W. Rec. freq: 3700-4200 MHz. Emission 36000F9. With a 10-meter antenna.

MD 632-DSE-P/L-77—First Television Corp., Salisbury, MD. For authority to construct, own and operate a domestic communications satellite receive-only Earth station at this location. Lat. 38°24'13" N. Long. 75° 37'28" W. Rec. freq: 3700-4200 MHz. No emission listed. With a 6-meter antenna.

HI 633-DSE-P/L-77—Oceanic Cablevision, Inc., Kahe Point, HI. For authority to construct a domestic communications satellite receive-only Earth station at this location. Lat. 21°21'04" N. Long. 158°07'35" W. Rec. freq: 3700-4200 MHz. No emission listed. With a 10-meter antenna.

IL 635-DSE-P/L-77—Satellite Networks Inc., McCook, IL. For authority to construct, own and operate a domestic communications satellite receive-only Earth station at this location. Lat. 41°47'25" N. Long. 87° 50'40" W. Rec. freq: 3700-4200 MHz. Emission 36000F9. With a 10-meter antenna.

LA 636-DSE-P/L-77—Seemoro TV Co., Inc., Bastrop, LA. For authority to construct, own and operate a domestic communications satellite receive-only Earth station at this location. Lat. 32°46'57" N. Long: 91° 56'03" W. Rec. freq: 3700-4200 MHz. Emission 36000F9. With a 5-meter antenna.

OK 637-DSE-ML-77—Trans-am Communications Co., a division of Eastern Oklahoma Television Co. (KD39), Ada, OK., modification of license to change the existing license to permit the utilization of a 5-meter antenna.

[FR Doc.77-25492 Filed 8-31-77;8:45 am]

FM AND TV TRANSLATOR APPLICATIONS READY AND AVAILABLE FOR PROCESSING

Adopted: August 24, 1977.

Released: August 30, 1977.

Notice is hereby given pursuant to §§ 1.572(c) and 1.573(d) of the Commission's rules, that on October 21, 1977, the TV and FM translator applications listed below will be considered as ready and available for processing. Pursuant to §§ 1.227(b)(1) and 1.519(b) of the Commission's rules, an application, in order to be considered with any application appearing on the attached list or with any other application on file by the close of business on October 20, 1977, which involves a conflict necessitating a hearing with any application on this list, must be substantially complete and submitted for filing at the offices of the Commission in Washington, D.C., by the close of business on October 21, 1977.

The attention of any party in interest desiring to file pleadings concerning any pending TV and FM translator application, pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to § 1.580(i) of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

VHF TV TRANSLATOR APPLICATIONS

BPTTV-5866 (new), Black Gap Wildlife Management Area, Tex., Mountain Zone TV. Req: Channel 7, 174-180 MHz, 1 watt. Primary: KOSA-TV, Odessa, Tex.

BPTTV-5867 (new), Black Gap Wildlife Management Area, Tex., Mountain Zone TV. Req: Channel 11, 198-204 MHz, 1 watt. Primary: KMOM-TV, Monahans, Tex.

BPTTV-5868 (new), Gallup, Area South of Sheep Springs and Nachitti Area North, N. Mex., New Mexico Broadcasting Co. (NSL). Req: Channel 3, 60-66 MHz, 100 watts. Primary: KGGM-TV, Albuquerque, N. Mex.

BPTTV-5869 (new), Carrizo Indian Community and Mud Canyon, N. Mex., Apache Tribe of Mescalero. Req: Channel 11, 198-204 MHz, 1 watt. Primary: KGGM-TV, Albuquerque, N. Mex.

BPTTV-5871 (KO8DC), Hayden, Colo., Yampa Valley TV Association Inc. Req: Change frequency to Channel 9, 186-192 MHz.

BPTTV-5872 (K12DY), Hayden, Colo., Yampa Valley TV Association, Inc. Req: Change frequency to Channel 3, 60-66 MHz.

BPTTV-5873 (new), Merizo, Territory of Guam, Guam Educational Telecommunications Corporation. Req: Channel 4, 66-72MHz, 10 watts. Primary: KGTF-TV, Mangilao, Territory of Guam.

BPTTV-5875 (K10KE), Plain & Lake Wenatchee Area, Wash., Lake Wenatchee TV, Inc. Req: Change primary TV station to KAPP-TV, Channel 35, Yakima, Washington and change via to K69BF, Stemilt, Coluckum and Wenatchee Area, Wash.

BMPTTV-899 (K11NW), Mescalero Apache Reservation, N. Mex., Apache Tribe of Mescalero. Req: Change primary TV station to KGGM-TV, Channel 13, Albuquerque, N. Mex., and change via to BPTTV-5869, Carrizo Indian Community and Mud Canyon, N. Mex.

BMPTTV-900 (K12KU), Mescalero, N. Mex., Apache Tribe of Mescalero, Req: Change primary TV station to KGGM-TV, Channel 13, Albuquerque, N. Mex., and change via to BPTTV-5869, Carrizo Indian Community and Mud Canyon, N. Mex.

UHF TV TRANSLATOR APPLICATIONS

BPTT-3251 (new), Kilauea (Kauai), Hawaii, Hawaii Public Broadcasting Authority. Req: Channel 62, 758-764 MHz, 100 watts. Primary: KHET-TV, Honolulu, Hawaii.

BPTT-3303 (new), Lyon Mountain and Standish, N.Y., International Television Corporation. Req: Channel 66, 782-788 MHz, 10 watts. Primary: WEZF-TV, Burlington, Vt.

BPTT-3304 (new), Logan, Utah, Cache County Municipal Corp. Req: Channel 55, 716-722 MHz, 100 watts. Primary: KUTV-TV, Salt Lake City, Utah.

BPTT-3305 (new), Logan, Utah, Cache County Municipal Corp. Req: Channel 57, 728-734 MHz, 100 watts. Primary: KTVX-TV, Salt Lake City, Utah.

BPTT-3306 (new), Logan, Utah, Cache County Muncipal Corp. Req: Channel 59, 740-746 MHz, 100 watts. Primary: KSL-TV, Salt Lake City, Utah.

BPTT-3307 (new), Logan, Utah, Cache County Muncipal Corp. Req: Channel 61, 752-758 MHz, 100 watts. Primary. KUED-TV, Salt Lake City, Utah.

BPTT-3308 (new), Bellows Falls, Vt., Mount Mansfield Television, Inc. Req: Channel 62, 758-764 MHz, 100 watts. Primary: KCAX-TV, Burlington, Vt.

BPTT-3309 (new), Brattleboro, Vt., Mount Mansfield Television, Inc. Req: Channel 69, 800-806 MHz, 100 watts. Primary: WCAX-TV, Burlington, Vt.

BPTT-3310 (new), Rutland, Vt., Mount Mansfield Television, Inc. Req: Channel 69, 800-806 MHz, 100 watts. Primary: WCAX-TV, Burlington, Vt.

BPTT-3312 (new), Hornsby Ranch, Newkirk and Montoya, N. Mex., New Mexico Broadcasting Co. (NSL). Req: Channel 59, 740-746 MHz, 100 watts. Primary: KGGM-TV, Albuquerque, N. Mex.

BPTT-3313 (K72AX), Tucumari, N. Mex., UHF TV Association. Req: Change primary TV station to KGGM-TV, Channel 13, Albuquerque, N. Mex. and operate via BPTT-3312, Hornsby Ranch, Newkirk and Montoya, N. Mex.

BPTT-3314 (new), Carrizozo, N. Mex., New Mexico Broadcasting Co. (NSL). Req: Channel 65, 776-782 MHz, 100 watts. Primary: KGGM-TV, Albuquerque, N. Mex.

BPTT-3315 (new), Austin, Tex., Spanish International Communications Corporation. Req: Channel 42, 638-644 MHz, 1000 watts. Primary: KWEX-TV, San Antonio, Tex.

BPTT-3316 (K72DB), Waipake, Hawaii, Hawaii Public Broadcasting Authority. Req: Change frequency to Channel 66, 782-788 MHz.

BPTT-3317 (new), Lake Placid, N.Y., International Television Corporation. Req: Channel 55, 716-722 MHz, 100 watts. Primary. WEZF-TV, Burlinton, Vt.

BPTT-3318 (new), Bakersfield, Calif., Spanish International Communications Corporation. Req: Channel 39, 620-626 MHz, 1000 watts. Primary: KFTV-TV, Hanford-Fresno, Calif.

BPTT-3323 (new), Victorville, Apple Valley, Adelanto, Silver Lakes and Phelan, Calif., International Panorama TV Inc. Req: Channel 64, 770-776 MHz, 100 watts. Primary: KLXA-TV, Fontana, Calif.

[FR Doc.77-5491 Filed 8-31-77;8:45 am]

RADIO TECHNICAL COMMISSION FOR MARINE SERVICES

Meetings

In accordance with Pub. L. 92-463, "Federal Advisory Committee Act," the schedule of future Radio Technical Commission for Marine Services (RTCM) meetings is as follows:

EXECUTIVE COMMITTEE MEETING

TUESDAY, SEPTEMBER 20, 1977

The next Executive Committee meeting will be on Tuesday, September 20, 1977, in Conference Room 847, 1919 M Street NW., Washington, D.C.

AGENDA

1. Call to Order; Chairman's Report.
2. Introduction of Attendees; Adoption of Agenda.
3. Acceptance of Minutes of Executive Committee meetings.
4. Committee Reports.
5. Approval of new Membership Applications.
6. Administrative Action items.
7. Report on Constitutional Amendment Balloting.
8. Discussion and approvals for 1978 Assembly Meeting.
9. Summary Reports and Announcements.
10. New business.
11. Establishment of next meeting date.

Special Committee No. 66—"Receiver Standards for the Maritime Mobile Service."

Notice of 42nd meeting, Wednesday, September 21, 1977, 9:30 a.m. (Full-day meeting), Conference Room A-205, 1229 20th Street NW., Washington, D.C.

AGENDA

1. Call to Order; Chairman's Report.
2. Adoption of Agenda; Appointment of Rapporteur.
3. Acceptance of SC-66 Summary Record.
4. Continue preparation of MMS R-5, Standard for "General Purpose Marine Receivers".
5. Discussion of problem areas.
6. Solicitation of work assignments.
7. Other business.
8. Establishment of next meeting date.

H. R. Smith, Chairman, SC-66, ITT Mackay Marine, 441 U.S. Highway No. 1, Elizabeth, N.J. 07202. Phone: (201) 527-0300.

Special Committee No. 71—"VHF Automated Radiotelephone Systems."

Notice of third meeting, Monday, September 26, 1977, 10:00 a.m. (Full-day meeting).

NOTE.—Originally scheduled date of September 19 has been deferred until September 26.

Conference Room A-110, 1229 20th Street NW., Washington, D.C.

AGENDA

1. Call to Order; Chairman's Report.
2. Introduction of Attendees; Adoption of Agenda.
3. Acceptance of SC-71 Summary Record.
4. Morning Session: Presentation and discussion relating to use of public telephone network.
5. Afternoon Session: Presentations and discussion of regulatory matters and the use of automated system features for communications relating to safety and vessel movements.
6. Other business.
7. Establishment of next meeting date.

John J. Renner, Chairman, Advanced Technology Systems, Inc., 2425 Wilson Blvd., Arlington, Va. 22201. Phone: (703) 525-2664.

To comply with the advance notice requirements of Pub. L. 92-463, a comparatively long interval of time occurs between publication of this notice and an actual meeting. Consequently, there is no absolute certainty that the listed meeting room will be available on the day of a meeting. Those planning to attend a meeting should report to the room listed in the notice. If a room substitution has been made, the new meet-room location will be posted at the room listed in this notice.

Agendas, working papers, and other appropriate documentation for a meeting will be available at the meeting. Those desiring more specific information may contact either the designated Chairman or the RTCM Secretariat. (Phone (202) 632-6490.)

The RTCM has acted as a coordinator for maritime telecommunications since its establishment in 1947. Problems are studied by Special Committees, and a Special Committee final report is approved by the RTCM Executive Committee. All RTCM meetings are open to the public. Written statements are preferred but by previous arrangement, oral presentations will be permitted within time and space limitations.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.77-25490 Filed 8-31-77;8:45 am]

FEDERAL ENERGY ADMINISTRATION

COMPLIANCE WITH THE NATIONAL ENVIRONMENTAL POLICY ACT

Availability of Final Programmatic Environmental Impact Statement on Allocation of Petroleum Feedstocks to Synthetic Natural Gas Plants

AGENCY: Federal Energy Administration.

ACTION: Notice of Availability of the Final Programmatic Environmental Impact Statement on the Allocation of Petroleum Feedstocks to Synthetic Natural Gas Plants.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act (NEPA), 42 U.S.C. 4332(2)(C), the Federal Energy Administration (FEA) has prepared the final programmatic environmental impact statement (EIS) on the allocation of petroleum feedstocks to synthetic natural gas (SNG) plants.

The draft programmatic EIS was made available to the Council on Environmental Quality and to to the public on June 2, 1977. The final EIS (FES 77-4) includes comments received by FEA on the draft EIS (DES 77-4) and FEA analyses and responses to these comments.

DATE: Comments by September 30, 1977.

ADDRESS: Written comments to: Executive Communications, Box PA, Room 3317, Federal Energy Administration, Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT:

Finn K. Neilsen (Regulatory Programs), Room 6318, 2000 M Street NW., Washington, D.C. 20461 (202-254-9730).

Robert J. Stern (Office of Environmental Impact), Room 7119, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461 (202-566-9760).

Janine Landow-Esser (Office of General Counsel), Room 5113, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461 (202-566-9380).

SUPPLEMENTARY INFORMATION: Allocation and use of naphtha, liquefied petroleum gases (LPG's) and natural gas liquids (NGL's) for the purpose of manufacturing SNG are currently controlled by FEA under the authority of the Emergency Petroleum Allocation Act of 1973, as amended, and FEA's implementing regulations, the Mandatory Petroleum Allocation Regulations (10 C.F.R. Part 211). Preparation of the programmatic EIS was undertaken in support of a reassessment of FEA's SNG feedstock allocation policy.

FEA will allow a minimum of 30 days for interested parties to comment before taking any administrative action with regard to the SNG feedstock allocation policy.

COMMENT PROCEDURE

Single copies of the final programmatic EIS (FES 77-4) are available upon request from the National Energy Information Center, Room 1404, 12th and Pennsylvania Avenue, NW., Washington, D.C. 20461. Copies of the EIS will also be available for public review in the FEA Freedom of Information Reading Room, Room 2107, 12th and Pennsylvania Avenue NW., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Interested parties are invited to submit written comments with respect to the final EIS to Executive Communications, Box PA, Room 3317, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461. Comments should be identified on the outside of the envelope and on the documents submitted to FEA with the designation "Final Programmatic SNG EIS (FES 77-4)". Ten copies should be submitted. All comments should be received by FEA no later than September 30, 1977, in order to ensure consideration.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in one copy only, in accordance with the procedures set forth at 10 CFR 205.9(f). Any material not accompanied by a statement of confidentiality will be considered to be non-confidential. FEA reserves the right to determine the confidential status of the information or data and to treat it according to that determination.

Issued in Washington, D.C., August 25, 1977.

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

[FR Doc.77-25268 Filed 8-31-77;8:45 am]

FEDERAL MARITIME COMMISSION

PORT OF SEATTLE AND PORT OF SEATTLE

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for review and approval, if required, pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., San Francisco, Calif., and Old San Juan, P.R. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before September 21, 1977. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

H. H. Wittren, Manager, Waterfront Real Estate, Port of Seattle, P.O. Box 1209, Seattle, Wash. 98111.

Agreement No. T-3507, between Port of Seattle, in the capacity of Grantor on behalf of the State of Washington, and Port of Seattle (Port), in the capacity as user, provides for the 30-year grant to Port of a waterway and street permit for certain areas described in the agreement to be used by Port itself or by others under a subpermit. As compensation, Port will pay $1.00 per year for use of the areas by itself or another governmental body for noncommercial purposes under a subpermit. Port will pay as additional rental only those revenues which are received under subpermits which: (1) do not have structures or improvements constructed or owned by Port; and (2) are being used by a subpermittee for commercial purpose.

By Order of the Federal Maritime Commission.

Dated: August 26, 1977.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77-25537 Filed 8-31-77;8:45 am]

[Independent Ocean Freight Forwarder License No. 1071]

STANDARD SHIPPING CO., D.B.A. (CAMERINO FERNANDEZ MONTESINOS)

Order of Revocation

On August 15, 1977, Standard Shipping Co. (Camerino Fernandez Montesinos d.b.a.) New Orleans, La. 70130, voluntarily surrendered its Independent Ocean Freight Forwarder License No. 1071 for revocation.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised), Section 5.01(b), dated June 30, 1975;

It is ordered, That Independent Ocean Freight Forwarder License No. 1071 issued to Standard Shipping Co., be-and is hereby revoked effective August 15, 1977 without prejudice to reapply for a license in the future.

It is further ordered That, a copy of this Order be published in the FEDERAL REGISTER and serve upon Standard Shipping Company.

LEROY F. FULLER,
Director, Bureau of Certification and Licensing.

[FR Doc.77-25538 Filed 8-31-77;8:45 am]

GENERAL SERVICES ADMINISTRATION

[Temporary Regulation D-61]

FEDERAL PROPERTY MANAGEMENT REGULATIONS

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Labor to make appropriate arrangements with State and local law enforcement agencies to use facilities and services at seven Job Corps Centers under exclusive legislative jurisdiction.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation. a.* Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, and the Act of June 1, 1949 (62 Stat. 281), as amended, authority is hereby delegated to the Secretary of Labor to make appropriate arrangements with State and local agencies to utilize the facilities and services of agencies at the Job Corps Centers over which the Department of Labor has determined that the United States has exclusive legislative jurisdiction. This authority extends to the Job Corps Centers in Edinburg Ind.; Morganfield, Ky.; Excelsior Springs, Mo.; San Marcos, Tex.; McKinney, Tex.; Edison, N.J.; and Astoria, Oreg.

b. The Secretary of Labor may redelegate this authority to any officer or employee of the Department of Labor.

c. This authority shall be exercised in accordance with the limitations and requirements of the above cited acts and the policies, procedures, and controls prescribed by the General Services Administration.

Dated: AUGUST 23, 1977.

JOEL W. SOLOMON,
Administrator of General Services.

[FR Doc.77-25534 Filed 8-31-77;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

NATIONAL ADVISORY COUNCIL ON EQUALITY OF EDUCATIONAL OPPORTUNITY

Public Meeting

AGENCY: National Advisory Council on Equality of Educational Opportunity.

ACTION: Notice of Meeting.

SUMMARY: This notice sets forth the proposed agenda of the forthcoming meeting of the National Advisory Council on Equality of Educational Opportunity. It also describes the functions of the Council. Notice of this meeting is required under the Federal Advisory Committee Act (5 U.S.C., Appendix 1, 10(a)(21)). This document is intended to notify the general public of their opportunity to attend.

DATE AND PLACE OF MEETING: September 23rd/24th; Albuquerque, New Mexico.

ADDRESS: Four Seasons Motor Inn, 2500 Carlisle Boulevard, NW., P.O. Box 30087, Albuquerque, New Mexico.

FOR FURTHER INFORMATION, CONTACT:

Rosemarie Maynez, Administrative Assistant, NACEEO, 1325 G Street, NW., Suite 710, Washington, D.C. 20005. Phone: 202-724-0221.

The National Advisory Council on Equality of Educational Opportunity is established under Section 716 of the Emergency School Aid Act (Pub L. 9-318, Title VII, as amended by Pub. L. 93-380 and Pub. L. 94-482). The Council is established to: (1) Advise the Assistant Secretary for Education with respect to the operation of the program authorized under the Emergency School Aid Act (ESAA), including the preparation of regulations and the development of criteria for the approval of applications; and (2) review the operation of the program with respect to its effectiveness in achieving its purpose as stated in the Act and with respect to the Assistant Secretary's conduct in the administration of the program.

The meeting, which is open to the public, will convene at 9:30 a.m. until 4:30 p.m. on Friday, September 23rd, and reconvene at 9:30 a.m. until 12:00 noon on Saturday, September 24th. Primarily, the focus of attention concerns the present regulatory requirements of the ESAA program contrasted against the background of small rural districts with a heavy concentration of minority students. ESAA directors from several small districts throughout the state, along with the EEO state department personnel will make presentations to the Council concerning the effect that the recent interpretation of ESAA eligibility by the former Commissioner of Education will have on their district's attempt to meet their specialized needs. Verbal reports from the three main Task Forces of NACEEO will also be presented to the main group, not for action but for information. A program delegate from the U.S. Office of Education, Equal Educational Opportunity division, will also be in attendance and will give the Council an update on program activities.

Requests for oral presentations by the public before the Council must be submitted in writing to the Executive Director of NACEEO, Mr. Leo A. Lorenzo, and should include the names of all persons seeking an appearance, the party or parties which they represent, and the purpose for which the presentation is requested. Following the presentation, the statement in writing shall be submitted to the Executive Director. In the event that the tentative agenda is completed prior to the projected time, the Council will adjourn the meeting.

Records of all meetings are kept at NACEEO headquarters, 1325 G Street, NW., Suite 710, Washington, D.C. 20005, and are available for public inspection.

Signed at Washington, D.C., on August 29, 1977.

LEO A. LORENZO,
Executive Director.

[FR Doc.77-25605 Filed 8-31-77;8:45 am]

Office of Education

ADVISORY COMMITTEE ON ACCREDITATION AND INSTITUTIONAL ELIGIBILITY

Schedule and Agenda

AGENCY: Office of Education, HEW.

ACTION: Notice.

SUMMARY: This notice sets forth the schedule and proposed agenda of the next public meeting of the Advisory Committee on Accreditation and Institutional Eligibility. It also describes the functions of the Committee. Notice of these meetings is required under the Federal Advisory Committee Act (5 U.S.C. Appendix 1, 10(a)(2)). This document is intended to notify the general public of their opportunity to attend and to participate.

DATES: September 27, 1977, 1:00 p.m. to 5:00 p.m., local time; September 28, 9:00 a.m. to 4:45 p.m.; September 29, 9:00 a.m. to 5:00 p.m.; and September 30, 9:00 a.m. to 12:00 noon. Requests for oral presentations before the Committee must be received on or before September 15, 1977. All written material which a party wishes to file may be submitted at any time and will be considered by the Advisory Committee.

ADDRESS: Holiday Inn—Bethesda, 8120 Wisconsin Avenue, Bethesda, Md. 20014.

FOR FURTHER INFORMATION CONTACT:

John R. Proffitt, Director, Division of Eligibility and Agency Evaluation, Office of Education, Room 3030, ROB 3, 400 Maryland Avenue SW., Washington, D.C. 20202 (202-245-9873).

The Advisory Committee on Accreditation and Institutional Eligibility is established pursuant to Section 253 of the Veteran's Readjustment Assistance Act (Chapter 33, Title 38, United States Code). The Committee is directed to:

1. Review all current and future policies relating to the responsibility of the Commissioner for the recognization and designation of accrediting agencies and associations wishing to be designated as nationally recognized accrediting agencies and associations, and recommend desirable changes in criteria and procedures;

2. Review all current and future policies relating to the responsibility of the Commissioner for the recognition and listing of State agencies wishing to be designated as reliable authority as to the quality of public postsecondary vocational education, and of nurse education, and recommend desirable changes in criteria and procedures;

3. Review and advise the Commissioner of Education in the formation of all current and future policy relating to the matter of institutional eligibility;

4. Review the provisions of current legislation affecting Office of Education responsibility in the area of accreditation and institutional eligibility and suggest needed changes to the Commissioner of Education;

5. Develop and recommend to the Commissioner of Education criteria and procedures for the recognition and designation of accrediting agencies and associations in accordance with legislative provisions, Presidential directives, or interagency agreements;

6. Review and recommend to the Commissioner of Education for designation as nationally recognized accrediting agencies and associations of reliable authority all applicant accrediting agencies and associations which meet criteria established under (5) above;

7. Develop and recommend to the Commissioner of Education criteria and procedures for the recognition, designation and listing of State agencies in accordance with statutory provisions, Executive Orders, or interagency agreements;

8. Review and recommend to the Commissioner of Education for designation as State agencies of reliable authority as to the quality of public postsecondary vocational education, and of nurse education, all applicant State agencies which meet criteria established under (7) above;

9. Develop, under the authority of the Vocational Education Act of 1963, as amended, and recommend for the approval of the Commissioner of Education, standards and criteria for specific categories of private vocational training institutions which have no alternative route by which to establish eligibility for Federal funding programs;

10. Develop, under the authority of the Higher Education Act of 1965, as amended, and recommend for the approval of the Commissioner of Education, standards and criteria for specific categories of institutions of higher education, for which there is no recognized accrediting agency or association, in order to establish eligibility for participation in the student loan programs authorized by Title IV-B thereof;

11. Maintain a continuous review of Office of Education administrative practice, procedures and judgments relating to accreditation and institutional eligibility and advise the Commissioner of needed changes;

12. Keep within its purview the accreditation and approval process as it develops in all levels of education;

13. Advise the Commissioner of Education concerning the relations of the Office with accrediting agencies or associations, or other approval bodies as the Commissioner may request.

14. Advise the Commissioner of Education, pursuant to the Bureau of the Budget (Office of Management and Budget) policy dated December 23, 1954, regarding the award of degree-granting status to Federal agencies and institutions.

15. Not later than March 31 of each year, make an Annual report of its activities, findings and recommendations.

The meeting of September 27, 28, 29 and 30, 1977, will be open to the public. This meeting will be held at the Holiday Inn, Bethesda, Md. The Committee will review petitions and reports by accrediting and State approval agencies for initial or continued recognition by the U.S. Commissioner of Education. The Committee also will hear presentations by representatives of the petitioning agencies and interested third parties, and will review policy items pertaining to accreditation and institutional eligibility. In addition, the Committee will review a request by Luna Vocational-Technical Institute, Las Vegas, N. Mex., for a determination of satisfactory assurance that it will meet accrediting standards of a nationally recognized accrediting agency within a reasonable period of time. Agencies having petitions and reports pending before the Committee are:

American Library Association, Committee on Accreditation.
American Medical Association, Committee on Allied Health Education and Accreditation, in cooperation with the Curriculum Review Board, American Association of Medical Assistants.
American Osteopathic Association.
American Podiatry Association, Council on Podiatry Education.
Arkansas State Board for Vocational Education.
Council on Social Work Education, Commission on Accreditation.
National Accreditation Association for Psychoanalysis, Inc.
National Association of Schools of Music.
North American Association of Buddhist Schools and Colleges.
North Central Association of Colleges and Schools, Commission on Institutions of Higher Education.
Oklahoma State Board of Vocational and Technical Education.
Society of American Foresters.
Utah State Board for Vocational Education.

Requests for oral presentations before the Committee should be submitted in writing to the Director, Division of Eligibility and Agency Evaluation, Office of Education, Room 3030, ROB 3, 400 Maryland Avenue SW., Washington, D.C. 20202. Requests should include the names of all persons seeking an appearance, the party or parties which they represent, and the purpose for which the presentation is requested. Requests must be received by the Division of Eligibility and Agency Evaluation on or before September 15, 1977. Time constraints may limit oral presentations. However, all additional written material that a party wishes to file will be considered by the Advisory Committee.

Records shall be kept of all Committee proceedings and shall be available for public inspection at the Division of Eligibility and Agency Evaluation.

Signed at Washington, D.C. on August 25, 1977.

JOHN R. PROFFITT,
Director, Division of Eligibility and Agency Evaluation, Office of Education.

[FR Doc.77-25598 Filed 8-31-77;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[Docket No. NFD-534]

INTERAGENCY DROUGHT EMERGENCY COORDINATING COMMITTEE

Designation of Additional Emergency Drought Impact Areas

AGENCY: Federal Disaster Assistance Administration.

ACTION: Notice.

SUMMARY: This is a Notice of additional designation of Emergency Drought Impact Areas by the Interagency Drought Emergency Coordinating Committee of 1977.

DATED August 22, 1977.

FOR FURTHER INFORMATION CONTACT:

Jack W. McGraw, Director, Preparedness Office, Federal Disaster Assistance Administration, Department of Housing and Urban Development, Washington, D.C. 20410 (202—634-7845).

Acting upon the request of the Governor, the Interagency Drought Emergency Coordinating Committee designated the following as Emergency Drought Impact Areas:

ALABAMA—5 ADDITIONAL COUNTIES

Colbert.	Lauderdale.
Lawrence.	Limestone.
Madison.	

The designation of an Emergency Drought Impact Area does not confer entitlement to drought assistance. Individuals and communities must meet the separate eligibility requirements established by each agency before assistance may be provided.

Under the authority granted to the Administrator as Secretary to the Committee by the Memorandum of Agreement (42 FR 21855, April 29, 1977), I have provided this designation for the public record.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.77-25431 Filed 8-31-77;8:45 am]

[Docket No. NFD-535]

INTERAGENCY DROUGHT EMERGENCY COORDINATING COMMITTEE

Designation of Additional Emergency Drought Impact Areas

AGENCY: Federal Disaster Assistance Administration.

ACTION: Notice.

SUMMARY: This is a Notice of additional designation of Emergency Drought Impact Areas by the Interagency Drought Emergency Coordinating Committee of 1977.

DATED: August 23, 1977.

FOR FURTHER INFORMATION CONTACT:

Jack W. McGraw, Director, Preparedness Office, Federal Disaster Assistance Administration Department of Housing and Urban Development, Washington, D.C. 20410 (202–634–7845).

Acting upon the request of the respective Governors, the Interagency Drought Emergency Coordinating Committee designated the following as Emergency Drought Impact Areas:

INDIANA—1 ADDITIONAL COUNTY

Madison.

MICHIGAN—4 ADDITIONAL COUNTIES

Berrien.	Gratiot.
Cass.	Van Buren.

VIRGINIA—3 ADDITIONAL COUNTIES

Carroll.	Grayson.
Floyd.	

The designation of an Emergency Drought Impact Area does not confer entitlement to drought assistance. Individuals and communities must meet the separate eligibility requirements established by each agency before assistance may be provided.

Under the authority granted to the Administrator as Secretary to the Committee by the Memorandum of Agreement (42 FR 21855, April 29, 1977), I have provided this designation for the public record.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.77-25432 Filed 8-31-77;8:45 am]

[Docket No. NFD–536]

INTERAGENCY DROUGHT EMERGENCY COORDINATING COMMITTEE

Designation of Additional Emergency Drought Impact Areas

AGENCY: Federal Disaster Assistance Administration.

ACTION: Notice.

SUMMARY: This is a Notice of additional designation of Emergency Drought Impact Areas by the Interagency Drought Emergency Coordinating Committee of 1977.

DATED: August 16, 1977.

FOR FURTHER INFORMATION CONTACT:

Jack W. McGraw, Director, Preparedness Office, Federal Disaster Assistance Administration, Department of Housing and Urban Development, Washington, D.C. 20410, (202–634–7845).

Acting upon the request of the respective Governors, the Interagency Drought Emergency Coordinating Committee designated the following as Emergency Drought Impact Areas:

GEORGIA—3 ADDITIONAL COUNTIES

(The entire State has now been designated.)

Rabun	Towns
Union.	

LOUISIANA—2 ADDITIONAL PARISHES

Bossier	Natchitoches

MISSISSIPPI—6 ADDITIONAL COUNTIES

Choctaw	Lowndes
Clay	Noxubee
Kemper	Oktibbeha

NORTH CAROLINA—1 ADDITIONAL COUNTY

Columbus

VERMONT—3 ADDITIONAL COUNTIES

Chittenden	Rutland
Franklin	

VIRGINIA—8 ADDITIONAL INDEPENDENT CITIES

Chesapeake	Poquoson
Hampton	Portsmouth
Newport News	Suffolk
Norfolk	Virginia Beach

WASHINGTON—1 ADDITIONAL COUNTY

Jefferson

The designation of an Emergency Drought Impact Area does not confer entitlement to drought assistance. Individuals and communities must meet the separate eligibility requirements established by each agency before assistance may be provided.

Under the authority granted to the Administrator as Secretary to the Committee by the Memorandum of Agreement (42 FR p1855, April 29, 1977), I have provided this designation for the public record.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.77-25433 Filed 8-31-77;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Albuquerque Area Office, Redelegation Order 2, Amdt. 3]

CHIEF, SOUTHWEST TITLE PLANT

Delegation of Authority Relating to Administrative Modifications in Probate Cases

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.

This authority is issued under the authority delegated to the Commissioner of Indian Affairs from the Secretary of the Interior in 230 DM 1 and redelegated by the Commissioner to the Area Directors in 10 BIAM 3.

The Albuquerque Area Office Redelegation Order 2 was published beginning on page 3763 of the February 26, 1970, FEDERAL REGISTER (35 FR 3763) and subsequently amended. It is further amended by adding a PART 4—Authority of Chief, Southwest Title Plant.

Section 4.272(a) of Title 43 of the Code of Federal Regulations authorizes the Commissioner of Indian Affairs to modify the inventory of property in the estate of a deceased Indian when, subsequent to the issuance of a decision under 43 CFR 4.240 or 4.296, it is found that trust property or an interest therein belonging to a descendant has not been included in the inventory. The Commissioner's authority is delegated to Area Directors in 10 BIAM 3.1.

The redelegation in new Part 4 is now being published, and also made retroactive to July 1, 1973 (the date on which the Southwest Title Plant was transferred to the jurisdiction of the Albuquerque Area Office) in order to formalize a previous verbal redelegation to the Title Plant.

New Part 4 reads as follows:

PART 4—AUTHORITY OF CHIEF, SOUTHWEST TITLE PLANT

SECTION 4.1 *Administrative Modification.* The authority of the Area Director of the Albuquerque Area Office to modify the inventory on any trust property referred to in 43 CFR 4.272(a) and on which the Southwest Title Plant maintains the title records is hereby redelegated to the Chief, Southwest Title Plant, and to persons authorized to act in his or her stead during his or her absence.

Effective Date: This redelegation authority is made retroactive to July 1, 1973.

Approved July 8, 1977.

CELESTINO PAPUYO,
Acting Area Director.

Approved: August 24, 1977.

THEODORE C. KRENZKE,
Acting Deputy Commissioner of Indian Affairs.

[FR Doc. 77-25495 Filed 8-31-77; 8:45 am]

TURTLE MOUNTAIN BAND OF CHIPPEWA INDIANS, TURTLE MOUNTAIN RESERVATION, NORTH DAKOTA

Transfer of Federally Owned Lands

AUGUST 24, 1977.

This notice is published in exercise of authority by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2.

On June 3, 1977, pursuant to authority contained in the Federal Property and Administrative Services Act of 1949, as amended by Pub. L. 93–599 dated January 2, 1975 (88 Stat. 1954), the below-described property was transferred by the Director, Real Property Division, Denver Regional Office of the General Services Administration, to the Area Director, Aberdeen Area Office, Bureau of Indian Affairs, without reimbursement, to be held in trust for the benefit and use of the Turtle Mountain Band of Chippewa Indian Tribe, Turtle Mountain Reservation, North Dakota:

T. 162 N., R. 70 W., Fifth Principal Meridian, North Dakota.
Section 3, SE¼SW¼SE¼, S½NE¼SW¼SE¼, W½SW¼SE¼SE¼, SW¼NW¼SE¼SE¼.

These lands, containing 22.50 acres more or less, are to be treated as and receive the same benefits and protection as other trust lands held for the benefit and use of the Turtle Mountain Band of Chippewa Tribe. Appropriate notation will be made in the land records of the Bureau of Indian Affairs.

THEODORE C. KRENZKE,
Acting Deputy Commissioner, of Indian Affairs.

[FR Doc.77-25494 Filed 8-31-77;8:45 am]

Bureau of Land Management

[Colorado 15142]

COLORADO

Partial Termination of Proposed Withdrawal and Reservation of Lands

Notice of a Forest Service, U.S. Department of Agriculture application, Colorado 15142, for withdrawal and reservation of lands for public purposes was published as F.R. Doc. 72-4500, on page 6122-6123 of the issue of March 24, 1972. The applicant agency has cancelled its application insofar as it affects the following described lands:

SAN JUAN NATIONAL PARK
NEW MEXICO PRINCIPAL MERIDIAN
ROARING FORK CAMPGROUND

T. 39 N., R. 11 W.
Sec. 31: SE¼NW¼SE¼, SW¼NE¼SE¼, E½NE¼SW¼SE¼, SE¼SE¼
The above area aggregates 65 acres.

Therefore, pursuant to the regulations contained in 43 CFR Part 2310, such lands, at 10:00 a.m., on September 30, 1977 will be relieved of the segregative effect of the above-mentioned application.

THOMAS N. HARDIN,
Chief, Branch of Adjudication.

[FR Doc.77-25518 Filed 8-31-77;8:45 am]

[NM 31468]

NEW MEXICO

Application

AUGUST 26, 1977.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Southern Union Gathering Company has applied for one 4-inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 32 N., R. 12 W.,
Sec. 23, SE¼NW¼;
Sec. 28, NE¼SE¼.

This pipeline will convey natural gas across 0.46 miles of public land in San Juan County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, New Mexico 87107.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-25519 Filed 8-31-77;8:45 am]

[NM 31466]

NEW MEXICO

Application

AUGUST 26, 1977.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for one 4½-inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 24 S., R. 27 E.,
Sec. 30, SE¼NE¼.

This pipeline will convey natural gas across 0.170 miles of public land in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-25520 Filed 8-31-77;8:45 am]

[NM 21791]

NEW MEXICO

Application; Correction

AUGUST 24, 1977.

In Federal Register Doc. 77-23776, appearing on pages 41486 and 41487 in the issue of August 17, 1977, the following corrections are hereby made:

65°07'35.2" (column 3, line 70 on page 41486) is corrected to 65°07'37.9"; and

59°52'51.5" (column 2, line 69 on page 41487) is corrected to 55°52'51.5".

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-25521 Filed 8-31-77;8:45 am]

[NM 31459]

NEW MEXICO

Application

AUGUST 26, 1977.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Southern Union Gathering Company has applied for seven 4-inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 30 N., R. 8 W.,
Sec. 5, S½SE¼;
Sec. 8, E½NW¼;
Sec. 18, SE¼NW¼, NE¼SW¼ and NW¼SE¼;
Sec. 31, lots 12, 13, 19 and 20.
T. 29 N., R. 9 W.,
Sec. 21, lots 3, 4 and NW¼SE¼;
Sec. 22, E½SW¼ and NW¼SE¼.
T. 30 N., R. 9 W.,
Sec. 30, SE¼NE¼ and NE¼SE¼.

These pipelines will convey natural gas across 3.10 miles of public lands in San Juan County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, New Mexico 87107.

FRED E. PADILLA,
Chief Branch of Lands and Minerals Operations.

[FR Doc.77-25522 Filed 8-31-77; 8:45 am]

[NM 31463 and 31465]

NEW MEXICO

Applications

AUGUST 25, 1977.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for a cathodic protection station site and a 4½-inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 19 S., R. 27 E.,
Sec. 22, E½NW¼.
T. 9 S., R. 29 E.,
Sec. 22, SE¼SE¼;
Sec. 23, N½NW¼;
Sec. 27, N½NE¼, SW¼NE¼ and E½SW¼.

The site and pipeline will be used in connection with natural gas operations and will cross 1.456 miles of public lands in Chaves and Eddy Counties, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether

the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

STELLA V. GONZALES,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-25523 Filed 8-31-77;8:45 am]

[NM 31460, 31461, 21462, and 31464]

NEW MEXICO

Applications

AUGUST 25, 1977.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Co. has applied for an underground cable and three 4½-inch pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, N. MEX.

T. 28 N., R. 6 W., Sec. 33, NE¼SE¼; Sec. 34, lot 4 and NW¼SW¼.
T. 26 N., R. 7 W., Sec. 3, lots 1, 4 and N½SW¼.

The cable and pipelines will be used in connection with natural gas operations and will cross 0.979 miles of public lands in Rio Arriba County, N. Mex.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, N. Mex. 87107.

STELLA V. GONZALES,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-25524 Filed 8-31-77;8:45 am]

[NM 31439]

NEW MEXICO

Application

AUGUST 24, 1977.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Natural Gas Pipeline Co. of America has applied for one 4-inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, N. MEX.

T. 20 S., R. 24 E., Sec. 24, NE¼SE¼.

This pipeline will convey natural gas across 0.043 miles of public land in Eddy County, N. Mex.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, N. Mex. 88201.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-25525 Filed 8-31-77;8:45 am]

[OR 15295]

OREGON

Order Providing for Opening of Public Lands

AUGUST 23, 1977.

1. In an exchange of lands made under the provisions of section 206 of the Act of October 21, 1976, 90 Stat. 2756, 43 U.S.C. 1716, the following lands have been reconveyed to the United States:

WILLAMETTE MERIDIAN

T. 11 S., R. 26 E., sec. 24, S½SE¼; sec. 25, E½NE¼.
T. 11 S., R. 27 E., sec. 19, lot 4, SE¼SW¼, and S½SE¼; sec. 29, W½W½, and SE¼SW¼; sec. 30, lots 1 and 2, E½, and E½NW¼; sec. 31, SE¼SE¼; sec. 32, N½N½, S½SW¼, and W½SE¼.
T. 12 S., R. 27 E., sec. 5, lots 2, 3, and 4, SE¼NW¼, and NE¼SW¼.

The areas described aggregate 1,561.45 acres in Grant County, Oreg.

2. The subject lands are located in the vicinity of Rudio Mountain, 6 to 10 air miles north of Dayville, Oreg., and approximately 30 air miles northwest of the City of John Day. Elevation ranges from 3,900 to 5,200 feet above sea level, and the topography varies from gently sloping to moderately steep slopes of up to 50 percent. Vegetation consists of scattered stands of ponderosa pine and Douglas fir with large areas covered with sagebrush, juniper, and native grasses. The lands have been in the past used for grazing and timber production. They remain valuable for these uses and will be managed, together with adjoining public lands, for multiple use.

3. Subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the lands described above are hereby open to operation of the public land laws, including the mining laws (Ch. 2, Title 30 U.S.C.), and the mineral leasing laws. All valid applications received at or prior to 10 a.m. October 3, 1977, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. Inquiries concerning the land should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, P.O. Box 2965, Portland, Oreg. 97208.

FREDERICK S. CRAFTS,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc.25526 Filed 8-31-77;8:45 am]

[Wyoming 60665]

WYOMING

Application

AUGUST 24, 1977.

Notice is hereby given that pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Colorado Interstate Gas Co. of Colorado Springs, Colo., filed an application for a right-of-way to construct a 4" I.D. pipeline for the purpose of transporting natural gas across the following described public lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 20 N., R. 94 W.,
sec 8, S½NW¼.
T. 20 N., R. 95 W.,
sec. 12, SE¼SE¼.

The pipeline will transport natural gas from a well in section 8, T. 20 N., R. 94 W., to present facilities in section 12, T. 20 N., R. 95 W.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, 1299 Third Street, P.O. Box 670, Rawlins, Wyo. 82301.

HAROLD G. STINCHCOMB,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-25527 Filed 8-31-77;8:45 am]

[Wyoming 60303]

WYOMING

Application

AUGUST 24, 1977.

Notice is hereby given that pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Mountain Fuel Supply Co. of Salt Lake City, Utah filed an application for a right-of-way to construct a 3½-inch pipeline for the purpose of transporting gas across the following described public lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 19 N., R. 112 W., sec. 20, N½SE¼ and SE¼SE¼.

The pipeline will transport gas from the Wilson Ranch Well No. 5 in sec. 20 to an existing pipeline in sec. 22, all within T. 19 N., R. 112 W., in Lincoln County, Wyo.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land

Management, Rock Springs, Highway 187 North, P.O. Box 1869, Rock Springs, Wyo. 82901.

HAROLD G. STINCHCOMB,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-25528 Filed 8-31-77;8:45 am]

[NM 31294]

NEW MEXICO

Application

AUGUST, 22, 1977.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Natural Gas Pipeline Company of America has applied for one 4-inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN,
NEW MEXICO

T. 21 S., R. 28 E.,
Sec. 7, SE¼SE¼;
Sec. 8, SW¼NE¼, N½SW¼ and SW¼SW¼;
Sec. 18, N½NE¼.

This pipeline will convey natural gas across 1.419 miles of public land in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, N. Mex. 88201.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-25395 Filed 8-31-77;8:45 am]

Fish and Wildlife Service

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant. Minnesota Dept. of Natural Resources, Ecological Services Section, Monitoring and Control Unit, 390 Centennial Office Building, St. Paul, Minnesota 55155.

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate only one) ☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
To survey mussels in the St. Croix, Mississippi and Minnesota Rivers and salvage dead specimens of Lampsilis higginsi.

3. APPLICANT. (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
Minnesota Dept. of Natural Resources
Ecological Services Section
Monitoring and Control Unit
390 Centennial Office Building
St. Paul, MN 55155 (612/296-2835)

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☐ MR. ☐ MRS. ☐ MISS ☐ MS.
HEIGHT WEIGHT
DATE OF BIRTH COLOR HAIR COLOR EYES
PHONE NO. OF WHERE EMPLOYED SOCIAL SECURITY NUMBER
OCCUPATION
ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT

5. IF "APPLICANT" IS A FIRM, AGENCY, CORPORATION, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OF KIND OF BUSINESS, AGENCY, OR INSTITUTION
Natural Resource Management.
The monitoring and control unit includes among other duties monitoring of effects of power plants, and mussel surveys would mainly be in conjunction with that work.
NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.
Howard P. Kroach, Coordinator, Monitoring & Control Unit
IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
Lower 52 miles of the St. Croix River, and Mississippi River from Hastings to Alma, and Minnesota River.

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☐ YES ☒ NO
(If yes, list license or permit number)

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☒ NO
(If yes, list jurisdictions and type of documents)

9. CERTIFIED CHECK OR MONEY ORDER (If applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF
$

10. DESIRED EFFECTIVE DATE: as soon as possible

11. DURATION NEEDED: Indefinite

12. ATTACHMENTS. THE SPECIFIC INFORMATION, DETAILED PLANS, AND OTHER TYPES OF DOCUMENTS REQUESTED (see 50 CFR 13.12(b)) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THE APPLICATION. USE SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
See attachment

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE OR PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (In ink) Howard P. Kroach
DATE 15 Aug 77

3-200
(6-74)

1. I am seeking a permit to salvage dead specimens of the Higgin's Eye mussel (Lampsilis higginsi) of both sexes. The collecting method used (wading and crowfoot bar dredge or brail) is not selective as to sex, but smaller and younger individuals will be taken and returned to the wild. No larve will be taken. The purpose is to notify the proper agencies of the State of Minnesota so that protective measures can be taken to protect mussel beds containing endangered mussels and significant populations of mussel species.

2. The animal I wish to collect is still in the wild.

3. Lampsilis higginsi and other mussels are difficult to identify in the field so the mussels collected will be sent to Dr. David Stansbery at the Ohio State University Museum. Less than five specimens from each mussel bed will be sent to Dr. Stansbery for identification and all others collected will be returned to the river.

4. One dead specimen has been collected near Lakeland, Minnesota, in the St. Croix River (approximately 16.5 river miles) and I am waiting for a permit so the mussel specimen can be sent to Dr. David Stansbery at the Ohio State University Museum for positive identification.

5. Science Museum of Minnesota, 30 East 10th Street, St. Paul, Minnesota.

6. N/A.

7. No contracts on agreements are involved.

8. (i) I am an employee with the Minnesota Department of Natural Resources and I am currently collecting mussel specimens for a collection to be used for identifying other mussels collected by field personnel in their specific duties.

(ii) Collecting will be conducted from May to September annually at selected sites. Wading and the crowfoot bar dredge or brail will be used for sample collection. Not every mussel bed will be sampled every year.

(iii) When the Lampsilis higginsi is found, the proper authority will be notified so that habitat can be protected as much as possible.

(iv) Any specimen not identified as Higgin's Eye pearly mussel in the field will be sent to Dr. Stansbery for identification and becomes part of the Minnesota Science Museum collection.

12. Attachment.

It is anticipated that virtually all of the specimens to be sent to Dr. Stansbry will be salvaged dead shells of specimens of *Lampsilis higginsi*. As such, no preservatives will be necessary; although the shells will be carefully packed in appropriate cushioning materials to help them withstand the tender mercies of the U.S. Postal Service while in transit.

Should it be necessary to preserve recently dead specimens or any others containing soft parts, these will be preserved in a solution of ethanol or formalin or by freezing, as is deemed best.

Those specimens to be retained in museum collections will be stored and cared for according to the standard protocol in the particular museum.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Room 512, 1717 H Street, NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/WPO), U.S. Fish and Wildlife Service, Washington, D.C. 20240. This application has been assigned File Number PRT 2-1098-C07; please refer to this number when submitting comments. All relevant comments received on or before October 3, 1977, will be considered.

Dated: August 25, 1977.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office, Fish and Wildlife Service.

[FR Doc.77-25511 Filed 8-31-77;8:45 am]

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant. Florida Game and Fresh Water Fish Commission, Farris Bryant Building, 620 South Meridian Street, Tallahassee, Fla. 32304.

OMB NO. 42-R1070

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE
FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (*Indicate only one*)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
Permit to take Eastern Brown Pelicans for purposes of pesticide monitoring (see attached sheet).

3. APPLICANT. (*Name, complete address and phone number of individual, business, agency, or institution for which permit is requested*)
Florida Game and Fresh Water Fish Comm.
620 S. Meridian Street
Tallahassee, FL 32304
904/488-3831
(for specific info. call 904/376-6481)

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☐ MR. ☐ MRS. ☐ MISS ☐ MS. | HEIGHT | WEIGHT
DATE OF BIRTH | COLOR HAIR | COLOR EYES
PHONE NUMBER WHERE EMPLOYED | SOCIAL SECURITY NUMBER
OCCUPATION

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
State institution constitutionally authorized as responsible for wildlife and fresh water aquatic life.

ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT
Florida Game & Fresh Water Fish Comm.
and
Louisiana Wildlife & Fisheries Comm.

NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC. O. E. Frye, Jr., Dir.
904/488-2975 (R. M. Brantly, eff. 7/1/77)

IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED
N/A

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
Florida coastal areas, Louisiana coastal areas

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☒ YES ☐ NO
(*If yes, list license or permit number*)
Banding permit #6672, Endangered Species Cooperative Agreement

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☒ YES ☐ NO
(*If yes, list jurisdictions and type of documents*)

9. CERTIFIED CHECK OR MONEY ORDER (*if applicable*) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF
$

10. DESIRED EFFECTIVE DATE: 1 June 1977

11. DURATION NEEDED: 30 June 1980

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (*See 50 CFR 13.12(b)*) MUST BE ATTACHED, IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
17.22 1), 2), 3), 4), 5), 6), 7), & 8)-i, ii, iii, iv

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (*In Ink*) Robert M. Brantly | DATE 06-24-77

3-200
(4/70)

AMENDMENT TO FLORIDA COOPERATIVE AGREEMENT COVERING EASTERN BROWN PELICAN (SUPPLEMENTAL INFORMATION)

17.22 (a) See attached form 3-200.

(1) Eastern Brown Pelican) (*Pelecanus occidentalis carolinensis*).—To take *not* more than twenty-five (25 individuals each year of either sex and any age class from coastal Florida. Total not to exceed twenty-five (25) individuals per year. Specimens to be used in pesticide monitoring programs. As part of this study some or all specimens will be transportated to coastal areas of Louisiana and released. Subsequent to release some or all birds may be collected periodically to ascertain their accumulation rate of pesticides and other chemical pollutants. Specimens not transported to Louisiana will be analyzed for pesticide residues accumulated in Florida.

(2) All animals will be taken from the wild.

(3) All specimens will be taken in the most humane manner.

(4) Wildlife has not been removed from the wild.

(5) Pelicans taken from Florida and transported to Louisiana will be under the jurisdiction of the Louisiana Wildlife and Fisheries Commission, 400 Royal Street, New Orleans, Louisiana 70130.

(6) Any live animal to be covered by this amendment will be in free flying state. Will not be held in captivity for more than thirty (30) days.

(7) See attached copy of cooperative agreement.

(8) See (1).

ii. Not more than twenty-five (25) Eastern Brown Pelicans will be taken as nestlings or shot as free flying birds from coastal Florida. Total birds taken not to exceed twenty-five (25) per year. Nestlings will be transported to Coastal Louisiana and released in less than thirty (30) days. Specimens will be analyzed for pesticide residues in laboratories in Florida or Louisiana. Results will ultimately be published in bona fide scientific journals. Interim results will appear in annual federal aid job progress reports. (See attached reprint & reports for additional information)

iii. The Eastern Brown Pelican Recovery Team (Lovett E. Williams, Florida Game and Fresh Water Fish Commission, Leader) has identified this monitoring program as an integral part of the restocking effort now being carried out in Louisiana. This removal will not affect Florida's stable population of approximately 20,000 pelicans (see attached population papers).

iv. Usable skin, skeletons, and internal organs will be donated to any interested public museum or research facility.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Room 512, 1717 H Street, NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/WPO), U.S. Fish and Wildlife Service, Washington, D.C. 20240. This application has been assigned File Number PRT 2-1081-07; please refer to this number when submitting comments. All relevant comments received on or before October 3, 1977, will be considered.

Dated: August 25, 1977.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office, United States Fish and Wildlife Service.

[FR Doc.77-25512 Filed 8-31-77;8:45 am]

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant. Jeanette Williams Bale, Rural Route 1, Post Office Box 981, Venice, Fla. 33595.

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Check one): ☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. OR EXPLANATION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED: To purchase one male and one female captive born sub-adult Cheetahs (Acinonyx jubatus) from Wildlife Management Services, Inc., Grand Prairie, Texas, for the purpose of propagation and exhibition. Wildlife Management Services, Inc. is a subsidiary of International Animal Exchange, Ferndale, Michigan. The Cheetahs are located at Lion Country Safari, Grand Prairie, Texas.

3. APPLICANT. (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)

Jeanette Williams Bale
Rural Route 1
Post Office Box 981
Venice, Florida 33595
813-488-1991

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:

☐ MR. ☒ MRS. ☐ MISS ☐ MS.	HEIGHT: 5' 7"	WEIGHT: 125 lbs.
DATE OF BIRTH: March 18, 1942	COLOR HAIR: blond	COLOR EYES: blue
PHONE NUMBER WHERE EMPLOYED: 202-833-2700	SOCIAL SECURITY NUMBER: 264-15-9817	

OCCUPATION: Professional animal trainer and performer.

5. IF "APPLICANT" IS A GOVERNMENT AGENCY, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE AND EXTENT OF CONTROL AGENCY OR INSTITUTION HAS OVER ACTIVITY: N/A

ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT: The Cheetahs are to be purchased from Wildlife Management Services, Inc., a subsidiary of International Animal Exchange.

NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.

IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED: See Exhibit "A"

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☐ YES ☒ NO
(If yes, list license or permit number)

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☐ NO
(If yes, list jurisdictions and type of document) A valid interstate health certificate will be obtained prior to consummation of the sale.

9. CERTIFIED CHECK OR MONEY ORDER (If applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF: $ N/A

10. DESIRED EFFECTIVE DATE: As soon as possible

11. DURATION NEEDED: To permit completion of the transaction

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (see 50 CFR 13.12(a)) MUST BE SUBMITTED ATTACHED, IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED. herein.

See Exhibit "A" attached hereto.

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (In ink): Jeanette Williams Bale
DATE: June 21, 1977

EXHIBIT "A"

The following information is submitted in accordance with § 17.22(a) of Title 50, Chapter I, Subchapter B, Part 17 of the Code of Federal Regulations:

(1) The Applicant seeks a permit to purchase and transport two sub-adult Cheetahs (*Acinonyx jubatus*)—one male and one female.

(2) Both Cheetahs were born at Lion Country Safari Park, Grand Prairie, Tex. on October 7, 1976.

(3) The Applicant desires to purchase both Cheetahs from Wildlife Management Services, Inc., Grand Prairie, Tex. No wild caught animals will be involved in the proposed transaction since the subject Cheetahs are captive bred and captive born from an established group of breeding Cheetahs at the Lion Country Safari Park at Grand Prairie, Tex.

(4) See item (3) above.

(5) The Applicant's principal activity is the presentation of trained animal acts under a contract with Ringling Bros. Barnum & Bailey Combined Shows, Inc. Its main office is at 1015 18th Street NW., Washington, D.C. It has two traveling units which present circus productions at various places throughout the United States and Canada. The Applicant is a member of one of the traveling units and maintains a winter quarters facility in Venice, Fla. where she returns each year for rehearsals and the off-season. It is anticipated that the Cheetahs described in this application will be maintained, exhibited and bred on the Applicant's traveling unit.

(6) (i) The subject Cheetahs will always have adequate space utilization. During transit between performance sites the animals will be confined to transport cages six feet, ten inches long, three feet five inches wide and three feet eleven inches high. Permanent water troughs are present in the transport cages. During performance locations, which range from two days to over two months in duration, the Cheetahs will be maintained in a portable cyclone fence enclosure ten feet wide by forty feet long. This will allow space utilization of up to four hundred feet depending on local facilities.

(ii) Since the 1880's, the Applicant's family has maintained and exhibited members of the Family Felidae. The Applicant is a fourth generation performer and has been a professional animal trainer and exhibitor for the past eighteen years. The Applicant's family circus, Circus Williams (until 1969 one of the three largest circuses in Europe), has received official governmental recognition in Europe for excellence in the maintenance and care of their animal collection. Their animal collection has included several species of now endangered members of the Felidae family.

The professional animal staff employed by the Applicant's employer (Ringling Bros. Barnum & Bailey Combined Shows, Inc.) will care for the Cheetahs that are the subject of the present application. This includes a staff veterinarian, para-veterinarian and a number of animal handlers and trainers with cumulative experience in handling and maintaining felidae in excess of two hundred years. In addition, the Applicant's employer has on the staff a Veterinary Consultant who has been responsible for the maintenance and care of Cheetahs at a major zoological park in the United States.

(iii) The Applicant is willing to participate in cooperative breeding programs and to maintain or contribute data to an appropriate studbook.

In addition, the Applicant, in accordance with the letter of agreement attached hereto, intends to return the Cheetahs which are the subject of this permit application to the

seller's facility (Lion Country Safari Park) at Grand Prairie, Tex. for controlled reintroduction to the resident Cheetah breeding groups maintained there. The return of the subject Cheetahs would be at appropriate intervals consistent with current available research regarding the reproductive physiology and behavior of the species. The intent of this agreement would be to improve and facilitate successful propagation of the subject Cheetahs.

(iv) The two Cheetahs that are the subject of this application will be transported from Lion Country Safari, Grand Prairie, Tex. to the Applicant in appropriate transport crates that shall be a minimum of four feet in length, three feet in width and three feet in height. The floors of the transport crates will have an adequate amount of bedding and the crates will have adequate ventilation for the animals. The Applicant, her employer and their current staff have had extensive experience in transporting animals of this type. The animals will be accompanied in transit by professional personnel experienced in animal transportation.

(v) During the past five years the Applicant has not exhibited Cheetahs or wildlife of the same genus and therefore has experienced no mortalities.

(7) A copy of the agreement pursuant to which the subject Cheetahs would be periodically returned to Lion Country Safari for propagation purposes is attached hereto.

(8) The exhibition of animals is the Applicant's profession and has been an essential aspect of the presentation of the Applicant's family circus. From the late 1800's until recently the Applicant and her family have owned and maintained an extensive animal inventory. The Applicant and her family have an excellent breeding record with the rare species they have exhibited and maintained. The Applicant is sincerely concerned with the conservation of endangered and threatened species.

The Applicant desires to become self-sufficient, to the extent possible, with respect to the animals she exhibits. The Applicant, therefore, desires to obtain breeding stock of the species *Acinonyx jubatus*. It is in furtherance of this objective of propagation that the Applicant desires to obtain the two Cheetahs that are the subject of this application.

The subject Cheetahs will be given adequate opportunity to engage in social and other behavior necessary for reproduction; and under the supervision and care of the Applicant and associated professional staff, and in accordance with the agreement attached hereto whereby the animals will be periodically reintroduced to the breeding groups at Lion Country Safari Park, the Applicant believes that the subject Cheetahs will reproduce. The Applicant will keep and maintain offspring for further breeding and exhibition and any Cheetahs that are surplus to the Applicant's needs will be made available to respected and accredited organizations which have experienced staffs and which share the Applicant's conservation goals. The placement of any surplus animals will be made with the intent of establishing a captive self-sustaining population of this species.

The Applicant and her employer, Ringling Bros. Barnum & Bailey Combined Shows, Inc., play a unique role in the education of millions of people as to the need to preserve and protect the survival of endangered species such as the Cheetah. The Applicant appears annually in approximately forty cities throughout the United States and Canada, many of which do not have zoos or other animal parks. Last year the Applicant was viewed by over three million people. The diversity of the circus presentation attracts many persons who might not otherwise visit zoos and animal parks in or near their communities. Therefore, for millions of children and adults, their experience of seeing and enjoying these Cheetahs and other species of wildlife at the circus is the only means by which they may gain an appreciation for such wildlife. Development of public awareness and appreciation for wildlife is a vital step in the process of protecting endangered species. Thus, in addition to enhancing propagation, the Applicant believes that her ownership and exhibition of these Cheetahs will enhance the survival of the species.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Room 512, 1717 H Street NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/WPO), U.S. Fish and Wildlife Service, Washington, D.C. 20240. This application has been assigned File Number PRT 2-1095-07; please refer to this number when submitting comments. All relevant comments received on or before October 3, 1977, will be considered.

Dated: August 25, 1977.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office, United States Fish and Wildlife Service

[FR Doc.77-25513 Filed 8-31-77;8:45 am]

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant. Oklahoma City Zoo, Rt. 1, Box 1, Oklahoma City, Okla. 73111, Lawrence Curtis, Director.

ATTACHMENT 6.

OMB NO. 42-R1670

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (*Indicate only one*)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT to export an endangered species

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED:
Export two (2) young, adult female Barasingha (Cervus duvaucelli) from the Oklahoma City Zoo to Tiergarten, Nurnberg, W. Germany for breeding in captivity.

3. APPLICANT. (*Name, complete address and phone number of individual, business, agency, or institution for which permit is requested*)
Oklahoma City Zoo
Rt. 1, Box 1
Oklahoma City, Oklahoma 73111
(405) 424-3344

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☐ MR. ☐ MRS. ☐ MISS ☐ MS. | HEIGHT | WEIGHT
DATE OF BIRTH | COLOR HAIR | COLOR EYES
PHONE NUMBER WHERE EMPLOYED | SOCIAL SECURITY NUMBER
OCCUPATION

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
Zoological, educational or scientific propogation

ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT
N/A

NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC. 405/424-3344
Lawrence Curtis, Director

IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
Export from Oklahoma City Zoo to Tiergarten der Stadt Nurnberg, AM Tiergarten 30, 85 Nurnberg West Germany

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☒ YES ☐ NO
(*If yes, list licenses or permit numbers*)
73EZ2

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☒ YES ☐ NO
(*If yes, list jurisdictions and type of documents*) Valid permit from West Germany will be in hand prior to shipment.

9. CERTIFIED CHECK OR MONEY ORDER (*if applicable*) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF
$

10. DESIRED EFFECTIVE DATE: 15 August 77

11. DURATION NEEDED: 6 months

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (*See 50 CFR 13.12(b)*) MUST BE ATTACHED, IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (*In ink*) | DATE: July 11, 1977

3-200
(6/74)

OKLAHOMA CITY ZOO,
Oklahoma City, Okla., July 11, 1977.

DIRECTOR,
U.S. Fish & Wildlife Service,
Wildlife Permit Office,
Washington, D.C.

DEAR SIR: Please consider this our application to export an endangered species of animal within the context of Endangered and Threatened Wildlife and Plants Part 17 Subpart C, Article 17.22 for enhancement of propagation, and within the context of the Convention on International Trade in Endangered Species of Wild Fauna and Flora.

(a) (1) exportation of two young, adult female barasingha deer (*Cervus duvaucelii*).

(2) (i) N/A.

(ii) N/A.

(iii) was born in captivity.

(3) N/A—see (2) (iii).

(4) born and raised at the Oklahoma City Zoo. Route 1, Box 1, Oklahoma City, Okla. 73111.

(5) Tiergarten der Stadt Nurnberg, AM Tiergarten 30, 85 Nurnberg, West Germany.

(6) (i) See attachment 1. Lawrence Curtis, Director of the Oklahoma City Zoo and Ernest Hagler, Assistant Director, have visited Tiergarten der Stadt Nurnberg since 1974. They found the facilities for ungulates exemplary and consisting of large wooded enclosures. A wide variety of exotic ungulates were maintained and were healthy and strong in appearance. Husbandry practices were excellent.

(ii) See attachment 1.

(iii) The Oklahoma iCty Zoo is willing to

(iii) The Oklahoma City Zoo is willing to participate in a cooperative breeding program and to maintain or contribute to a studbook for the wildlife covered by this application.

(iv) These animals will be shipped in crates meeting or exceeding current I.A.T.A. regulations and shipped by the most appropriate airline from the Oklahoma City Zoo to Tiergarten der Stadt Nurnberg. Complete feeding and watering instruction will accompany the shipping crates.

(v) See attachment 2.

(7) See attachment Nos. 3, 4, 5.

(8) The Oklahoma City Zoo currently maintains a heard of two male and seven female barasingha (Swamp Deer). This herd has produced 24 births with 11 deaths between 1972 and July 1977. Seven animals have been placed in other collections. Based on our reproductive record with Barasingha, we feel justified that the sale and transfer of two females from our herd does not reduce its breeding potential, but enhances the breeding potential of the species in another competent zoological park, and allows us to continue to produce offspring of this species without overpopulation in our herd.

(i) See U.S.D.I. form 3-200 (item 2) attached.

(ii) See (6) (iv).

(iii) See (8).

(iv) In the event of the death of the animals in question, the carcasses will be made available for preservation as scientific specimens to an institution(s) of hgher learning for post mortem study, if the death(s) should occur within the legal boundaries of the United States. Upon importation of the animals, Tiergarten Nurnberg will be responsible to German authorities and CITES regulations.

It is our understanding that form 3-200 (enclosed) provides the certification necessary for this permit application.

Sincerely,

LAWRENCE CURTIS,
Zoo Director.

Att: 1. Description of facilities and qualifications of the consignee.

2. History of mortality in *Cervus dureucelii* at Oklahoma City Zoo.

3. Telegram dated 6-15-77 (copy).

4. West German Importation Permit Applied for and pending dated July 11, 1977 (copy).

5. Letter dated March 14, 1977 (copy).

6. Form 3-200.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Room 512, 1717 H Street NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/WPO), U.S. Fish and Wildlife Service, Washington, D.C. 20240. This application has been assigned File Number PRT 2-1152-C07; please refer to this number when submitting comments. All relevant comments received on or before October 3, 1977, will be considered.

Dated: August 25, 1977.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc.77-25514 Filed 8-31-77;8:45 am]

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant: Eugene Clayton Burkey, R.D. No. 1, Box 11, Loretto, Pa. 15940.

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate only one)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. IF ADDITIONAL SPACE IS NEEDED, LIST ADDITIONAL ACTIVITY FOR WHICH YOU REQUEST LICENSE OR PERMIT
to be able to buy and sell pheasants included in the Captive Self Sustaining Population through interstate commerce. We propagate these in order to insure their survival. Sale would be for propagation purposes only, or to zoos and parks, etc., for public appreciation.

3. APPLICANT (Name, complete address and phone number of individual, firm, business, agency, or institution for which permit is requested)
Eugene Clayton Burkey
R.D. # 1, Box 11
Loretto, Pennsylvania 15940
1-814-886-2823

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING
☐ MR. ☐ MRS. ☐ MISS ☐ MS.

HEIGHT	WEIGHT
5' 11"	180

DATE OF BIRTH	HAIR COLOR	EYE COLOR
9/23/31	lt. brn	blue

PHONE NUMBER WHERE EMPLOYED: 1-814-886-8188
SOCIAL SECURITY NUMBER: 206-26-5112
OCCUPATION: chemistry teacher

5. IF "APPLICANT" IS A BUSINESS, AGENCY, OR OTHER ENTITY, OR IS EMPLOYED BY ONE, COMPLETE THE FOLLOWING
EMPLOYER'S TYPE OF BUSINESS (MANUFACTURING, RETAILING, OR DISTRIBUTING)
Raising birds is my hobby. I am a secondary school teacher by profession but aviculture is my hobby and I have been raising birds of various types for about 25 years.

ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT
none

NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.
does not apply

IF "APPLICANT" IS A CORPORATION, GIVE DATE AND STATE WHERE INCORPORATED
does not apply

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
R.D. # 1, Box 11
Loretto, Pennsylvania 15940
Cambria County

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT ☐ YES ☒ NO
(If yes, list license or permit number)
not applicable for the birds I raise in the state of Pennsylvania

8. IF YOU HOLD ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THE APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☒ NO
(If yes, list jurisdictions and type of document)
not applicable for the birds I raise in the state of Pennsylvania

9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF
$ not applicable

10. DESIRED EFFECTIVE DATE
Sept. 1, 1977

11. DURATION NEEDED
2 year intervals

12. ATTACHMENTS. THE SPECIFIC STATEMENTS CONTAINED IN ITEMS 1 THROUGH 11 ON THIS APPLICATION FORM, AND ALL INFORMATION FURNISHED IN ANY ATTACHMENTS HERETO, ARE HEREBY MADE A PART OF THE STATEMENT OF WHICH I SEEK ISSUANCE OF A LICENSE OR PERMIT AS INDICATED IN ITEM 1 ABOVE. IF ATTACHED, IT CONSTITUTES AN OFFICIAL PART OF THIS APPLICATION AND MUST BE SIGNED AND DATED BY THE APPLICANT OR AUTHORIZED AGENT OF THE APPLICANT AS INDICATED IN ITEM 13 BELOW. ATTACHMENTS ARE NOT REQUIRED UNLESS SPECIFICALLY REQUESTED.
50 CFR part 17.22

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE OR PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (In ink) Eugene Clayton Burkey
DATE 7/8/77

3-200-1 (5/74)

Applicant: Eugene Clayton Burkey, R.D. No. 1, Box 11, Loretto, Pa. 15940.

(1) Pheasants: Hume's Bartail (Syrmaticus humiae), Swinhoe (Lophura swinhoii), Mikado (Syrmaticus mikado), Brown Eared (Crossoptilon manichuricum), Edward's (Lophura edwardsi), Elliots (Syrmaticus elliotti), Palawan Peacock Pheasant (Polyplectron emphanum).

I would like to be able to buy and sell the above in United States interstate commerce. Birds purchased or sold are for propagation purposes generally. From time to time breeders need to acquire unrelated bloodlines to maintain vigorous birds with stamina.

(2) iii—born in captivity in the United States of America.

(3) It is my intention to buy and sell birds within the United States and that were born in captivity. Birds are shipped in solid, yet soft crates that would eliminate injury.

(4) Birds purchased and sold will be within the limits of the United States. Those purchased will have been born from captive populations and those sold will have been born and reared at my own homestead.

(5) Birds are housed on my own property at R.D. No. 1, Box 11, Loretto, Pennsylvania 15490 in Cambria County. Pairs of birds are housed according to their individual needs. Aviaries are kept as vermin proof as is possible and vary in size from 10' x 10' x 5' to 10' x 18' x 5'. A few aviaries are 15' x 20' x 5'.

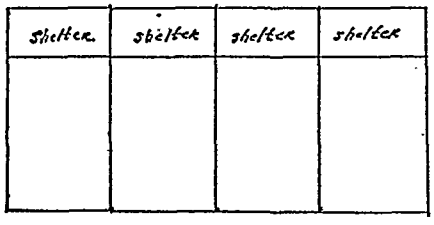
(6) (i) Please turn to the last page for diagrams of the area and facilities where the pheasants are maintained.

(ii) Although I had pheasants as a teenager 30 years ago, I have been breeding and rearing them as a serious hobby since 1969, 7 years ago. Each year I propagate 100–250 young from various species. I have raised quality progeny in numbers from the following: Blue Eared, Mikado, Himalayan Monal, Cheer, Amherst, Golden and their legitimate mutations, Ringnecks, Reeves, Hume's Bartail, Elliots, White Crested Kalij, Linneated Kalij, Silver, Swinhoe, etc. My background in ornithology is self attained but good. Several of my articles on the rearing of pheasants have been published in magazines such as the American Pheasant and Waterfowl Society Magazine, the Gazette, and the Oregon Game Breeder's Magazine. I have a B.S. degree in Chemistry and have done graduate work at Rensselaer Polytechnic Institute in Natural Science.

(iii) I am willing to participate in a cooperative breeding program and to maintatin a studbook as well as supply contributive data for any program that will help prevent the extinction of these pheasants.

(6) (i) Description and diagrams of the area and facilities where the pheasants are maintained and housed.

The whole aviary area is arranged in a rectangle shape. Aviaries are variable in size according to the requirements of the bird. Some are 10' × 10' × 5', 10' × 18' × 5', and a few are 15' × 20' × 5' in dimension. Basically, the individual aviaries look like the following drawing:



The aviaries are on a slanting slight hill on our 4 acre lot and are in back of the main homestead. Several tall hickory and maple trees are interdispersed so as to provide shade during the hot summer months. One inch galvanized poultry netting is used on most of the pens, although we are switching to galvanized heavy wire which does not have to be replaced as often. The pens are wired down into the ground on the outside edge to prevent the entry of any possible rodents. Aviaries contain perches for roosting, food-containers, gravel containers, and water containers. The shelters on the back of the pens protect the birds and give them refuge from rain and snow.

(6) (iv) The containers used for shipping depend upon the size and number of birds being transported. The containers are double lapping and are made of solid cardboard. Seams are taped and there are 8 air holes in each box. The bottom of the box contains absorbent litter. Boxes are 12" x 12" x 16" and 12" x 18" x 24" depending upon size needed. It is not good to use boxes of large size for small birds. Orange halves or grapefruit halves are used as a source of water for the birds. This prevents spillage while in transit. Food in the form of pellets or grain can be provided. It has been my experience that most shipments of pheasants arrive at their destination within the United States in 24 to 36 hours, sometimes much less. Birds are shipped from a nearby airport. The customer knows in advance the time of the shipment. He picks up the birds himself at his airport terminal. This prevents layovers.

(v) In proportion to the number of birds we have successfully raised during the past 5 years our losses have been light. We have never had an outbreak of any type of contagious disease that killed off large numbers of birds. Occasionally a bird is lost by flying into a roof support. One Elliots hen tore a toenail loose this winter and died of blood loss before I discovered her. Swinhoe are subject to Blackhead which is prevented by medicated feed and Emtryl during their early weeks. When mature they become immune. The respiratory mycroplasmas that sometimes develop in Elliots and Humes are prevented by inoculation with Tylan or the use of aureomycin, etc. When I first began to breed pheasants we had some losses until I learned how to treat and then how to prevent disease. Some pheasants are by nature, long-lived. Others simply die of old age when 7 to 10 years old. I lost one Hume's hen last year. The male came into breeding condition during the middle of a very warm spell in mid-winter and picked the hen's eye out. My birds were blood tested two years ago by the State of Pennsylvania at my request for shipment to the State of Maine which required this. The tests were good and shipment was made. Of the birds on the list we almost never lose an adult bird. Young chicks are sometimes lost. Two years ago we lost some young Elliots that were transferred from a brooder coop to another building during a warm spell. An unseasonal cold front resulted in their chilling.

(7) There are no contracts or agreements.

(8) I wish to continue maintaining, breeding, purchasing, and selling these birds for propagation purposes. If it were not for such programs in the world, the Nene goose, Swinhoe, and Mikado would be no more in existence.

(ii) The birds are provided with good food, needed housing, and an atmosphere conducive to contentment so that they will reproduce.

(iii) Experiences I've had that yield better results in the reproduction of pheasants are shared with others through various publications. I feel that if any of these birds do become extinct in their homeland there will always be a source for rebuilding the wild population from the captive population. My pheasantry is a source of education for many who visit and can at least appreciate what a threatened species is.

(iv) If I were to become incapacitated so that care of my birds was no longer possible, they would be sold to other competent breeders who would know how to care for them and propagate them.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Room 512, 1717 H Street NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/WPO), U.S. Fish and Wildlife Service, Washington, D.C. 20240. This application has been assigned File Number PRT 2–1150–C07; please refer to this number when submitting comments. All relevant comments received on or before October 3, 1977, will be considered.

Dated: August 25, 1977.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office, United States Fish and Wildlife Service.

[FR Doc.77-25515 Filed 8-31-77;8:45 am]

THREATENED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under Section 4(d), 16 USC 1533(d), of the Endangered Species Act of 1973 (Pub. L. 93–205).

Applicant: Charles E. Dubacher, Berkshire Bird Paradise, Rd No. 1, Petersburg, N.Y. 12138.

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Use only one)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
CSSP permit for the propagation and preservation of these species covered there in. To be sold, exchanged or purchased to or from qualified breeders holding valid permits.

3. APPLICANT. (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
Charles E. Dubacher
Berkshire Bird Paradise
Rd #1, Petersburg, New York
(518) 279-3801

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING.
☒ MR. ☐ MRS. ☐ MISS ☐ MS.
HEIGHT: 5' 9" | WEIGHT: 135
DATE OF BIRTH: oct. 11 1952 | COLOR HAIR: blond | COLOR EYES: green
PHONE NUMBER WHERE EMPLOYED: (518) 279-3801 | SOCIAL SECURITY NUMBER: 114-40-7731
OCCUPATION: game bird breeding center" owner
ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT: Berkshire Bird Paradise

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OF BUSINESS, ACTIVITY, OR FUNCTION: Game Bird Breeding Center
NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR ETC.: Charles Dubacher owner 279-3801
IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED:

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
Berkshire Bird Paradise
Rd# 1 Petersburg, N.Y

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☒ YES ☐ NO
(If yes, list license or permit number)
12-PA-38 N.Y

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☐ NO
(If yes, list jurisdictions and type of document)

9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF: $

10. REQUESTED EFFECTIVE DATE

11. DURATION OF PERMIT REQUESTED: 2 years

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT YOU ARE REQUESTING IS ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. (List sections of 50 CFR under which attachments are provided)

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (In ink): Charles E. Dubacher
DATE: 4-5-77

3-200
16/740
GPO 895 042

ATTACHMENT 17.33 TO CSSP PERMIT

1. A Captive Self Sustaining Permit is requested for the following species: Swinhoe Pheasant—Lophura swinhoeii, Edward's Pheasant—Lophura edwardsi, Elliots Pheasant—Syrmaticus ellioti, Bar-Tailed Pheasant—Syrmaticus humiae, Mikado Pheasant—Syrmaticus mikado, Brown Eared Pheasant—Crossoptilon mantchuricum, White Eared Pheasant—Crossoptilon crossoptilon drouyni, Palawan Peacock Pheasant—Polypectron emphanum.

The applicant desires a permit to authorize unlimited transactions with others holding the same permit through interstate commerce for the 2 year permit period, with the permit being able to be renewed acording to sect 13.24.

2. All the pheasant species are kept in a secluded wooded area with the area designed to be conducive to natural habitats. The inside of the aviary is planted as well to suit the specific needs of that species. Ex. Our bartailed preasant aviaries are densely planted with hemlock creating a very shaded habitat.

All species have closed shelters for nesting purposes as well as to keep the birds safe during inclement weather.

The size of the aviary is designed as well to meet the needs of the species there contained. Aviaries range from 8 x 25 x 8, 8 x 8 x 50, 8 x 50 x 150.

The waterfowl are kept in covered duck flights for protection against predators. Hawaiian koloa and laysan teal are kept in separate aviaries to insure pureness of the species. Those species requiring heat for winter are kept in a heated building.

3. Applicant has been propagating pheasants for 10 years and waterfowl for 5 years. I presently am raising a number of the species covered under this permit Presently doing research with Syrmaticus mikado and Lophura swinhoeii. This being behavioral research as well as developing natural nutrition diets. The applicant is in constant contact with a number of leading ornithologists and aviculturists.

The applicant holds a valid N.Y. State endangered species permit with membership in the following organizations.

1. American Pheasant and Waterfowl Society.
2. World Pheasant Association (IUCN).
3. Northeastern Aviicultural Society.

4. The applicant is willing to participate in a cooperative breeding program and to contribute data to a stud book.

5. The applicant will use shipping containers designed to meet the various specifications necessary for the comfort of the birds in transit. With food water and specific instructions printed on the container I have shipped and received many birds across the states with out any losses.

6. The applicant has lost only a very small number of birds these being lost to predators. In waterfowl this loss has been eliminated with covered duck flights. Predatory birds of prey cause a small loss strafing the pens causing an occasional broken neck. Occasional losses occur as a result of severe lightning storms. Only losses in young stock was due to powerfailure or ocassional deformities. These problems are remedied with a generator. Deformaties are steadily fewer as we develop special diets for the breeders as well as the young. The applicant still has the first pair of pheasants owned.

The applicant has acquired permission from state biologists to bring any sick or injured endangered specie to the state lab.

7. The applicant is making this application for proper authorization to engage in interstate commerce with pheasants, waterfowl listed. This is to enable the applicant to cover expensive costs with the sale of the progeny, to qualified aviculturists. Also to insure that our bloodlines are kept strong. The sale of the progeny will help to cover costs of several research projects already underway. The CSSP is a valuable buffer for these species to prevent extinction, with the hopeful reintroduction of these species to the wild state.

These species are viewed by hundreds of visitors with emphasis on education and occasional lectures. The applicant has also earned the praise from 3 area newspapers.

(11) Upon termination of my breeding program, all species of birds whether endangered or not will be distributed among qualified aviculturists.

Sincerely,

CHARLES E. DUBACHER.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Serv office in Room 512, 1717 H Street NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/WPO), U.S. Fish and Wildlife Service, Washington, D.C. 20240. This application has been assigned File Number PRT 2-1136-25; please refer to this number when submitting comments. All relevant comments received on or before October 3, 1977, will be considered.

Dated: August 25, 1977.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office, United States Fish and Wildlife Service.

[FR Doc.77-25516 Filed 8-31-77;8:45 am]

Bureau of Land Management

[Colorado 14442]

COLORADO

Partial Termination of Proposed Withdrawal and Reservation of Lands

AUGUST 24, 1977.

Notice of a Forest Service, U.S. Department of Agriculture application, Colorado 14442, for withdrawal and reservation of lands for public purposes was published as F.R. Doc. 72-692, on page 745, 746 of the issue of January 18, 1972. The applicant agency has cancelled its application insofar as it affects the following described lands:

SAN JUAN NATIONAL FOREST

NEW MEXICO PRINCIPAL MERIDIAN

STUMP LAKES CAMPGROUND

T. 37 N., R. 7 W., Protraction Diagram No. 27 dated November 12, 1964.

A portion of Section 9 beginning near the center of the section at a point three chains west of the outlet of the north of two small lakes:

Thence due South 8 chains,
Thence due East 5 chains,
Thence due South 15 chains,
Thence due East 25 chains,
Thence due North 20 chains,
Thence due West 5 chains,
Thence due North 15 chains,
Thence due West 25 chains,
Thence due South 12 chains, to the point of beginning.

LOST LAKE CAMPGROUND

T. 37 N. R. 7 W., Protraction Diagram No. 27, dated November 12, 1964.

A portion of Sections 17, 18, 19 and 20 beginning at a point which is 9 chains due west of where creek leaves north end of Lake:
Thence due South 11 chains,
Thence due East 5 chains,
Thence due South 20 chains,
Thence due East 15 chains,
Thence due North 20 chains,
Thence due East 5 chains,
Thence due North 25 chains,
Thence due West 20 chains,
Thence due South 5 chains,
Thence due West 5 chains,
Thence due South 9 chains,
to the point of beginning.

DUTCH CREEK CAMPGROUND

T. 37 N., R. 9 W.
Sec. 7, S½NE¼NE¼, N½SE¼NE¼;
Sec. 8, N½SW¼NW¼.

JONES CREEK CAMPGROUND

T. 37 N., R. 9 W.
Sec. 16, W½W½SE¼.

WILDCAT PICNIC GROUND

T. 39 N., R. 11 W.

A portion of Section 28 beginning at a point on the southeast line of the Lightning Placer M. S. 20784 which is S. 36°10' W., 1122 feet from Corner Number 1 (Corner Number 1 of M.S. 20784 lies S. 73°47' W., 1778.87 feet from the NE corner of Section 28); thence from the point of beginning, S. 36°10' W., 792 feet along the southeast line of M. S. 20784 to a point; thence N. 79°30' E., 1650 feet to a point; thence N. 27° E., 594 feet to a point; thence S. 87° E., 330 feet and S. 87° W., 1188 feet to the point of beginning.

NAVAJO LAKE RECREATION SITE

T. 41 N., R. 11 W.
Sec. 1, W½SW¼NE¼, E½SE¼NW¼.

SWITCHBACK CAMPGROUND

T. 41 N., R. 11 W.
Sec. 22, NE¼NE¼, E½E½NW¼NE¼, E½NE¼SW¼NE¼, N½SE¼NE¼.

BURNETTE CANYON CAMPGROUND

T. 39 N., R. 12 W.
Sec. 35, SE¼SE½SE¼.
Sec. 36, SW¼SW¼, W½SE¼SW¼.

The areas described aggregate 484.38 acres.

Therefore, pursuant to the regulations contained in 43 CFR, Part 2310, such lands, at 10:00 a.m., on September 30, 1977, will be relieved of the segregative effect of the above-mentioned application.

Therefore, pursuant to the regulations contained in 43 CFR, Part 2310, such lands, at 10:00 a.m., on September 30, 1977, will be relieved of the segregative effect of the above-mentioned application.

THOMAS N. HARDIN,
Chief, Branch of Adjudication.

[FR Doc.77-25517 Filed 8-31-77;8:45 am]

[Civil No. 1983-73]

NATURAL RESOURCES DEFENSE COUNCIL, INC., ET AL., AND CECIL ANDRUS, SECRETARY OF THE INTERIOR, ET AL.

Notice of Proposed Deviation From Scheduled Preparation of Environmental Impact Statements on Livestock Grazing

In the matter of the Natural Resources Defense Council Inc., et al., Plaintiffs, v. Cecil Andrus, Secretary of the Interior, et al., Defendants.

The final judgment of June 18, 1975, in this case set forth a schedule for the preparation of a series of environmental impact statements (EIS's) by the Bureau of Land Management (BLM), Department of the Interior, on livestock grazing on public lands in the eleven Western States. Paragraph 10 of the judgment contemplates the possibility of material deviations from the judgment and provides for notice as follows:

10. If the Federal Defendants believe, in good faith, that circumstances dictate that any material deviations must be made, then in that event, the Federal Defendants shall give Notice to the Court wherein a detailed explanation shall be made of the deviation which is anticipated to occur together with the reason(s) therefor. This Notice shall be filed prior to the anticipated implementation of such deviation, and contemporaneously a copy of such Notice shall be sent by registered mail to all parties to this action (No. 1983-73) and such Notice shall be published in the FEDERAL REGISTER. Thereafter, if objections are filed with the court within 30 days from the date of publication in the FEDERAL REGISTER the Federal Defendants and the objecting parties may make such motions and present evidence to the court as to them seems proper, and the court shall determine if such deviations shall be allowed to occur or make any other appropriate order; provided, however, that if no objections are filed with the court within such 30-day period, BLM shall be authorized to implement such deviation.

Paragraph five of the judgment provides that "During FY 1977 through and including FY 1981 the EIS's will be completed in accordance with the schedule shown in Exhibit B[1] of the Agreement (which comprises a total of 70 EIS's on approximately 104,000,000 acres)." The current schedule requires completion of eleven impact statements by September 30, 1977, the end of the fiscal year. So far, one final EIS has been completed covering the Challis unit in Idaho. Three draft EIS's have been released: San Luis (Colorado), Uncompahgre (Colorado), and Rio Puerco (New Mexico).

Difficulties encountered in the preparation of the Challis EIS and others currently in progress, along with passage of the Federal Land Policy and Management Act of 1976 (FLPMA), 90 Stat. 2743, 43 U.S.C. 1701, et seq., required reevaluation of the entire process of preparing livestock grazing environmental statements. During preparation of the Challis EIS, data and planning deficiencies became clear. The major problem was lack of baseline resource data, especially on vegetative productivity, soils, and wildlife. In addition, the land use plan (management framework plan or MFP) did not define resource management goals, adequately consider nongrazing resource values or make definite, trackable land use decisions. As a result of these problems and similar ones on other EIS's now in process, the Department of the Interior adopted a new policy for EIS preparation and improved resource inventories. These policy changes were also responsive to FLMPA which requires periodic and systematic resource

[1] Exhibit B was filed as a part of the original document. Copies are available, at cost, at the BLM/330 United States Department of the Interior, Washington, D.C. 20240.

inventories and multiple use land use planning.

The new EIS policy has three parts. First, the long term strategy will be to prepare EIS's on the allocation of vegetative resources proposed in the Bureau's MFP's. In addition, a few EIS's will be prepared on total MFP's to test this approach. This long range strategy will require greatly improved resource inventories. Second, a short term strategy was adopted involving completion of eight EIS's now in process on allotment management plans (AMP's). As an interim strategy for preparing EIS's between now and implementation of the long range strategy, statements will be written on the current range program based on available data. The proposed action will be (a) specified management actions based on existing data such as adjustment and control of livestock numbers and season of use, adjustment and management of wild horses and burros, and initiation of livestock grazing systems; and/or (b) AMP approval; and/or (c) MFP approval of vegetation allocation. This strategy requires reordering of the schedule so that areas with the best available inventory data are covered first. The Department also decided to intensify all BLM resource inventories, utilizing current available data to the extent possible and collecting resource data actually needed for the Bureau's management decisions.

The Department of the Interior recognizes the need to comply with the court order and the National Environmental Policy Act. In complying though, EIS's must be prepared which adequately analyze the environmental impact of livestock grazing and its viable alternatives. Proposed actions must be based on current and reliable data which has been utilized to develop land use and activity plans. In order to achieve this goal, the Department of the Interior now proposes a material deviation schedule from 1977 to 1981 as shown in Exhibit A which is attached hereto and made a part hereof. In addition, a supplemental impact statement will be prepared on the Challis Unit in Idaho by December 1, 1979.

The proposed schedule modification is needed because:

1. It is necessary to realign EIS boundaries in all states to conform to planning and administrative boundaries. The boundaries identified in the settlement agreement frequently do not conform to existing planning unit boundary lines or administrative jurisdictions. The new proposals would correct this. For example in New Mexico, Utah, and Wyoming, EIS schedules and boundaries must be realigned to conform more closely to Regional Coal EIS boundaries in order to facilitate coordinated data gathering and planning. Such boundary adjustments should result in increased efficiency and reduced cost for inventories and other work. The new boundaries are shown in Exhibit B which is attached hereto and made a part hereof.

2. The present schedule does not balance the EIS workload equitably between Districts nor does it consider each District's capability to do the job. The new proposal would provide better distribution of State and District workloads and permit sufficient time for completing needed inventories and planning before work begins on the next area. In addition, it allows for adjustments in manpower and skills needed to complete the job in each District.

3. BLM no longer has jurisdiction over the Kofa, Sheldon and Charles M. Russell Wildlife Rfugees, totaling 2,187,000 acres, since by Congressional action, 90 Stat. 199 (1976), these areas are now administered by the Fish and Wildlife Service. The Fish and Wildlife Service is actively discussing with NRDC a FWS proposal to develop management plans for these areas in conjunction with an environmental assessment record. Any deviation necessitated by these plans and reviews, will be made separately pursuant to these discussions.

4. As discussed above, preparation of the Challis EIS indicated serious data gaps and that additional data must be collected in the field before adequate EIS's and grazing plans can be prepared. Present resource inventories were compiled with limited available information which is inadequate for evaluation of proposed grazing systems, allocation of forage between competing range users and assessment of impacts. Specific up-to-date, onsite information is needed on: (a) Present and potential grazing capacities for livestock, wild horses and burros, and wildlife; (b) range condition and apparent trend; (c) soil erosion conditions; (d) range suitability; (e) soils; and (f) other related resource uses and values that interrelate with livestock grazing.

5. The Challis EIS process also indicated planning deficiencies. Specifically, many of the Bureau's plans fail adequately to define resource management goals, to consider fully all resource values, and to make definite, trackable land use decisions. More time is needed to complete or revise MFP's so that adequate direction can be provided for the livestock grazing program.

Dated: August 30, 1977.

CECIL D. ANDRUS,
Secretary of the Interior.

This document is presented to the court in compliance with paragraph 10 of the judgment as a material deviation from the original schedule.

Respectfully submitted,

ERIC GOULD,
Land and Natural Resources Division, U.S. Department of Justice, Washington, D.C. 20530 (202-739-3797).

Bureau of Land Management
Grazing Environmental Statement Schedule 1978-81

Exhibit A

State	SHORT TERM Name	Acres (000)	Final ES	INTERIM Name	Acres (000)	Final ES	LONG TERM Name	Acres (000)	Final ES	TOTAL ES No.s	Total Acres (000)
Arizona	San Simon	1,347	1978	Vermillion	1,340	1979	Blk. Canyon-Skull Valley	338	1981	5	5,622
	Cerbat-Blk. Mountain	1,200	1978	Shivwits	1,397	1980					
California	Tuledad-Home Camp	641	1978	Cow Head-Masc.	793	1980	McCain Valley	74	1981	6	12,962
				Desert	11,006	1980	Mount Dome	34	1981		
							Owens Valley	414	1981		
Colorado	San Luis	516	1978	Grand Jct.	1,277	1979				6	4,961
	Uncompahgre	526	1978	White River	1,507	1980					
				Gunnison	585	1980					
				Royal Gorge	550	1980					
Idaho				Shoshone	590	1979	Sun Valley	243	1981	6	2,874
				Little Lost-Birch C.	337	1979	North Idaho	160	1981		
				Owyhee	1,264	1980					
				Bannock-Oneida	280	1980					
Montana				Missouri Brks.	2,189	1979				2	3,127
				Mtn. Foothills	938	1980					
Nevada				Caliente	3,414	1979					
				Paradise-Denio	3,646	1980				2	7,060
New Mexico	Rio Puerco	393	1978	East Socorro	869	1979	So. Rio Grande	2,156	1981	5	5,983
				East Roswell	1,592	1979					
				San Juan	973	1980					
Oregon				Drewsey	643	1979				2	1,557
				Ironside	914	1980					
Utah	Hot Desert	530	1978	Randolph	171	1979	Ashley Creek	540	1981	8	5,893
				Parker Mtn.	223	1979	Price River	1,252	1981		
				3 Corners	199	1979					
				Mtn. Valley	480	1980					
				Kanab-Escalante	2,498	1980					
Wyoming	Sandy	1,714	1978	Seven Lakes	655	1979				3	3,707
				Green Mtn.	1,338	1980					
	Total	6,867			41,668			5,211		45	53,746

[FR Doc.77-25665 Filed 8-31-77;8:45 am]

Bureau of Reclamation

PECOS RIVER BASIN WATER SALVAGE PROJECTS, NEW MEXICO–TEXAS

Public Hearing on Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement for the Pecos River Basin Water Salvage Project, New Mexico-Texas. This statement (INT DES 77–27, dated August 18, 1977) was made available to the public on August 19, 1977.

The draft environmental statement deals with a phreatophyte management program consisting of the selective clearing of saltcedar from the flood plain of the Pecos River from Santa Rosa, New Mexico, to Girvin, Texas.

Public hearings will be held at the Holiday Inn, Santa Rosa, N. Mex., on October 3, 1977; Roswell Inn, Roswell, N. Mex., on October 4, 1977; and Holiday Inn, Pecos, Tex., on October 5, 1977, to receive views and comments from interested organizations or individuals relating to the environmental impacts of this program. The hearings will commence at 7 p.m. and recess at 11 p.m. Oral statements at the hearings will be limited to a period of 10 minutes. Speakers will not trade their time to obtain a longer oral presentation; however, the person authorized to conduct the hearing may allow any speaker to provide additional oral comment after all persons wishing comment have been heard. Speakers will be scheduled according to the time preference mentioned in their letter or telephone request whenever possible, and any scheduled speaker not present when called will lose his privilege in the scheduled order and his name will be recalled at the end of the scheduled speakers. Requests for scheduled presentation will be accepted up to 4 p.m., September 27, 1977, and any subsequent requests will be handled on a first-come-first-served basis following the scheduled presentation.

Organizations or individuals desiring to present statements at the hearing should contact the office of the Regional Director, Bureau of Reclamation, Herring Plaza, H–4377, Amarillo, Tex. 79101, telephone 806–376–2401, and announce their intention to participate. Written comments from those unable to attend and from those wishing to supplement their oral presentation at the hearing should be received by October 12, 1977, for inclusion in the hearing record.

Dated: August 29, 1977.

J. D. ELLINGBOE,
Acting Commissioner of Reclamation.

[FR Doc.77-25584 Filed 8-31-77;8:45 am]

LEGAL SERVICES CORPORATION

UPPER PENINSULA LEGAL SERVICES

Grants and Contracts

AUGUST 26, 1977.

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93–355, 88 Stat. 378, 42 U.S.C. 2996–2996l. Section 1007(f) provides: "At least thirty days prior to the approval of any grant application or prior to entering into a contract or prior to the initiation of any other project, the Corporation shall announce publicly, and shall notify the Governor and the State Bar Association of any State where legal assistance will thereby be initiated, of such grant, contract, or project * * *"

The Legal Services Corporation hereby announces publicly that it is considering the grant application submitted by:

Upper Peninsula Legal Services, Sault St. Marie, Michigan to serve the Indian population in Michigan.

Interested persons are hereby invited to submit written comments or recommendations concerning the above application to the Regional Office of the Legal Services Corporation at:

Northern Virginia Regional Office, 1730 North Lynn St., Suite 600, Rosslyn, Arlington, Va. 22209.

THOMAS EHRLICH,
President.

[FR Doc.77-25467 Filed 8-31-77;8:45 am]

NATIONAL COMMUNICATIONS SYSTEM

DIGITAL INTERFACE CHARACTERISTICS FOR DATA COMMUNICATIONS EQUIPMENT

Proposed Federal Standard 1031

The Administrator of the General Services Administration (GSA) is responsible, under the provisions of the Federal Property and Administrative Services Act of 1949, as amended, for the Federal Standardization Program. On August 14, 1972, the National Communications System (NCS)[1] was designated by the Administrator, GSA, as the responsible agent for the development of telecommunication standards for NCS interoperability and the computer-communications interface. The Federal Telecommunication Standards Committee (FTSC) was established under the administration of NCS to accomplish this mission. Additionally, the Secretary of Commerce is authorized, under the provisions of Pub. L. 89–306, to develop and establish uniform Federal automatic data processing standards.

The proposed Federal Standard is part of a series of joint Federal Telecommunication Standards and Federal Information Processing Standards (FIPS) falling within the area of mutual responsibility to the NCS and National Bureau of Standards (NBS) as defined in FIPS PUB[2] 23 and NCS Circular 175–1.[3]

Proposed FED–STD–1031 with the companion FIPS PUB, adopts proposed EIA Standard SP1194C, which specifies the functional and mechanical interface between data terminal equipment and data circuit-terminating equipment in applications where data is transmitted over telecommunication networks employing predominantly analog (i.e., non-digital) transmission facilities. The original announcements for this standard were made in FEDERAL REGISTER, Volume 40, No. 235, December 5, 1975, and Volume 41, No. 200, October 14, 1976. As a result of a number of comments received, further development work was accomplished to provide a greatly improved interface for the future. In particular, agreements which establish compatibility internationally with the provisions of SP1194C have now been reached in the International Telegraph and Telephone Consultative Committee (CCITT) and the International Organization for Standardization (ISO).

A proposed EIA Industrial Electronics Bulletin, Application Note on Interconnection between Interface Circuits Using RS–XYZ and RS–232C, provides further information on the transition from existing RS–232C interfaces to SP1194C (RS–XYZ). Copies of this document, as well as the proposed EIA standard, can be obtained from the Office of the Manager, National Communications System, Attn: NCS–TS, Washington, D.C. 20305.

Prior to submission of the final endorsement of this proposed Federal Standard and the companion FIPS Publications to the Department of Commerce (DOC); the Office of Telecommunications Policy (OTP), Executive Office of the President; and GSA, it is essential that proper consideration is given to the needs and views of industry, the public, and State and local governments. The purpose of this Notice is to solicit such views. Interested parties may submit their comments to the Office of the Manager, National Communications System, Attn: NCS–TS, Washington, D.C. 20305. All comments should be

[1] DoD Directive 5100.41, "Arrangements for Discharge of Executive Agent Responsibilities for the NCS"—filed as part of original document.

[2] Filed as part of original. Copies available from U.S. Government Printing Office, Washington, D.C. 20402.

[3] Filed as part of original. Copies available from Office of the Manager, NCS, Washington, D.C. 20305.

submitted within 60 days of the date of this Notice.

MAURICE W. ROCHE,
Director, Correspondence and Directives Office of the Assistant Secretary of Defense (Comptroller).

AUGUST 29, 1977.

PROPOSED FEDERAL STANDARD

TELECOMMUNICATIONS: GENERAL PURPOSE 37-POSITION AND 9-POSITION INTERFACE BETWEEN DATA TERMINAL EQUIPMENT AND DATA CIRCUIT-TERMINATING EMPLOYING SERIAL BINARY DATA INTERCHANGE

NOTE.—This draft standard was prepared by the Office of the Manager, National Communications System, and is subject to change. Do not use prior to approval.

1. *Scope.*

1.1 *Description.* This standard specifies the functional and mechanical interface characteristics for data terminal equipment (DTE) and data circuit-terminating equipment (DCE) primarily for data applications using analog telecommunication networks.

1.2 *Purpose.* Federal telecommunication standards are to facilitate interoperability between telecommunication facilities and systems of the Federal Government and compatibility of these facilities and systems at the computer-communications interface with data processing equipment.

1.3 *Application.* This standard is to be used together with other Federal Standards by all Federal agencies in the design and procurement of DTEs and DCEs.

2. *Applicable documents.* The following documents of the issue in effect on the date of invitation for bids or request for proposals, form part of this standard to the extent specified herein:

Electronic Industries Association (EIA) Standard RS- (tentatively identified as RS XYZ/SP1194C), General Purpose 37-position and 9-position Interface for Data Terminal Equipment and Data Communication Equipment Employing Serial Binary Data Interchange.

EIA Industrial Electronics Bulletin , Application Note on Interconnection between Interface Circuits Using RS-XYZ and RS-232C.

(For copies of EIA documents, write to Electronic Industries Association, 2001 Eye Street, N.W., Washington, D.C. 20006.)

Federal Standard 1020.
Tellecommunications: Electrical Characteristics of Balanced Voltage Digital Interface Circuits.

Federal Standard 1030.
Telecommunications: Electrical Characteristics of Unbalanced Voltage Digital Interface Circuits.

3. *Requirement.* This standard adopts the EIA Standard RS-(XYZ).

NOTE: The proposed EIA standard is presently being balloted by EIA as SR 1194C. This note will be removed from this document when the proposed standard is finally approved by both the Federal Government and EIA.

The electrical characteristics of Federal Standard 1030 shall apply as specified for RS-423 and of Federal Standard 1020 shall apply as specified for RS-422. One of the following additional provisions shall also apply for equipment meeting this standard:

A. For applications where interoperation is required with equipment conforming to EIA standard RS-232C, generators on all Category I circuits shall conform to Federal Standard 1030 and the provisions described by EIA Industrial Electronics Bulletin —— shall be met.

B. For applications, where interoperation is required with equipment conforming to MIL-STD-188C or MIL-STD-188-100 (unbalanced low level) interface), generators on all Category I circuits shall conform to Federal Standard 1030 (MIL-STD-188-114, unbalanced circuits) and shall have an option which will allow changing the signal sense from the negative mark to positive mark.

C. For all new applications where a transition capability from either RS-232C or MIL-STD-188C/MIL-STD-188-100 is not required, all provisions of RS-XYZ apply. Category I circuits may implement either FED-STD-1020 or FED-STD-1030 as prescribed in Section 6.11 of RS-XYZ. When FED-STD-1020 is employed for MIL-STD-188 applications, the additional provision of MIL-STD-188-114 shall apply.

4. *Changes.* When a Federal agency considers that this standard does not provide for its essential needs, a statement citing inadequacies shall be sent in duplicate to the General Services Administration, Federal Supply Service, Washington, D.C. 20406, in accordance with provisions of Federal Property Management Regulations 41 CFR 101-29.3. The General Services Administration will determine the appropriate action to be taken and will notify the agency.

Preparing Activity:
National Communications System, Office of Technology and Standards, Washington, D.C. 20305.

FEDERAL INFORMATION PROCESSING STANDARDS PUBLICATION——

(date)

ANNOUNCING THE STANDARD FOR GENERAL PURPOSE 37-POSITION AND 9-POSITION INTERFACE FOR DATA TERMINAL EQUIPMENT AND DATA CIRCUIT-TERMINATING EQUIPMENT EMPLOYING SERIAL BINARY DATA INTERCHANGE

Federal Information Processing Standards are issued by the National Bureau of Standards, pursuant to the Federal Property and Administrative Services Act of 1949, as amended, Pub. L. 89-306 (79 Stat. 1127), Executive Order 11717 (38 FR 12315, dated May 11, 1973) and Part 6 of Title 15 Code of Federal Regulations (CFR).

Name of Standard. General Purpose 37-Position and 9-Position Interface for Data Terminal Equipment and Data Circuit-Terminating Equipment Employing Serial Binary Data Interchange (FIPS Pub ——).

Category of Standard. Hardware Standard, Data Transmission.

Explanation. This Federal Information Processing Standard is one of a series prescribing the interface parameters for interconnecting digital components and equipment. Each standard in this series addresses a particular interconnection, specifying the electrical, functional, and mechanical characteristics required at the interface to ensure interoperability across the designated interconnection boundary. This standard is applicable to the interconnection of data terminal equipment (DTE) and data circuit-terminating equipment (DCE) employing serial binary data interchange with control information being interchanged on separate control circuits. This standard is intended for use in applications employing analog telecommunication facilities.

Approving Authority. Secretary of Commerce.

Maintenance Agency. Institute for Computer Sciences and Technology, National Bureau of Standards.

Cross Index. a. Electronic Industries Association Standard RS-XYZ entitled "General Purpose 37-Position and 9-Position Interface for Data Terminal Equipment and Data Circuit-Terminating Equipment Employing Serial Binary Data Interchange" (adopted as Federal Standard 1031).

b. Electronic Industries Association Industrial Electronics Bulletin —— entitled "Application Note on Interconnection Between Interface Circuits Using RS-XYZ and RS-232C".

c. Electronic Industries Association Standard RS-422 entitled "Electrical Characteristics of Balanced Voltage—Digital Interchange Circuits" (adopted as Federal Standard 1020).

d. Electronic Industries Association Standard RS-423 entitled "Electrical Characteristics of Unbalanced Voltage Digital Interface Circuits" (adopted as Federal Standard 1030).

e. Federal Standard 1020 entitled "Telecommunications: Electrical Characteristics of Balanced Voltage Digital Interface Circuits" (see item c above).

f. Federal Standard 1030 entitled "Telecommunications: Electrical Characteristics of Unbalanced Voltage Digital Interface Circuits" (see item d above).

g. Federal Standard 1031 entitled "General Purpose 37-Position and 9-Position Telecommunications: Transitional Interface Between Data Terminal Equipment and Data Circuit-Terminating Equipment Employing Serial Binary Data Interchange" (see item a above).

Applicability. This Federal Information Processing Standard pertains to the interconnection between data terminal equipment (DTE) and data circuit-terminating equipment (DCE) where:

(1) The data terminal equipment is designed to interconnect with analog (in contrast to digital) telecommunication facilities;

(2) Serial binary data, timing and control signals are conveyed across the interface at the dc baseband level on separate parallel circuits.

This standard shall be used by all agencies of the Federal Government in the acquisition of data terminal and data communication equipment and services conforming to the above criteria. While this standard is not intended to hasten the obsolescence of equipment currently in the Federal inventory, it is applicable to the planning, design, and procurement of all new data terminal equipment and services and related data communication networks and systems.

Specifications. Federal Information Processing Standard (FIPS _____), General Purpose 37-Position and 9-Position Interface for Data Terminal Equipment and Data Circuit-Terminating Equipment Employing Serial Binary Data Interchange, adopts, by reference, the provisions of the following voluntary industry standards and bulletin developed and approved under the sponsorship of the Electronic Industries Association:

(1) The interface functional, timing, and mechanical characteristics are as specified by RS-XYZ.

(2) The Electrical characteristics of either RS-422 or RS-423 are specified for all category I interchange circuits (see Section 2.1.1 of RS-XYZ) in accordance with item 4 below and the Qualifications that follow.

(3) The Electrical characteristics of RS-423 are specified for all category II interchange circuits (see Section 2.1.2 of RS-XYZ) in accordance with item 4 below.

(4) The provisions of Industrial Electronics Bulletin _____ are prescribed as appropriate for interoperability with equipment conforming to the EIA RS-232C interface standard.

Implementation Schedule. All applicable equipment ordered on or after the date of this FIPS PUB must be in conformance with this standard unless a waiver has been obtained in accordance with the procedures described below. This standard is not applicable in the following cases:

(a) For equipment installed or on order prior to the date of this FIPS PUB.

(b) Where procurement actions are into the solicitation phase (i.e., Request for Proposals or Invitation for Bids have been issued) on the date of this FIPS PUB.

Qualifications. Category I and II circuits, defined by RS-XYZ, Section 2.1, shall be implemented with either RS-422 or RS-423 in accordance with one of the following criteria:

(a) The provisions of RS-XYZ, Section 6.11 shall apply to category I circuits for new applications where the DTEs or DCEs will not be required to interconnect with existing installed equipment conforming to other interface standards such as EIA RS-232C, IEEE 488, MIL-STD-188C or MIL-STD-188-100, i.e., either RS-422 or RS-423 may be employed as appropriate to the application requirements. Category II circuits shall employ RS-423.

(b) DTEs and DCEs that will be interconnected with equipment conforming to EIA Standard RS-232C shall employ RS-423 for all category I and II circuits as described by EIA Industrial Electronics Bulletin _____.

(c) DTEs and DCEs that will be interconnected with equipment conforming to either MIL-STD-188C or MIL-STD-188-100 shall employ unbalanced circuits as prescribed by MIL-STD-188-114 incorporating a manual provision for changing the signal sense from positive to negative mark for all category I and II circuits.

Waiver Procedure. Proposed waivers relating to the procurement of equipment using non-standard interfaces will be coordinated in advance with the General Services Administration according to the procedure described in paragraph 6, Changes, of the joint Federal Information Processing Standard and Federal Standard affixed to this FIPS PUB. It is suggested that a request for waiver include the following information:

(a) A brief, narrative description of the existing or planned teleprocessing or data communication systems to which the waiver applies, including:

(1) Statement of purpose and principal function of the system.

(2) Potential or planned use of the facilities employed with this system to interchange information with similar systems operated within the agency or by other agencies.

(b) A brief description of the system configuration, including a listing of accountable features, such as numbers and costs of data processors, terminals, modems, and communication lines, identifying those items to which the waiver applies.

Where to Obtain Copies. Copies of this publication are for sale by the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22161. When ordering, refer to Federal Information Processing Standards Publication _____ (NBS-FIPS-PUB-_____), title, and Accession Number. Payment may be made by check, money order, or deposit account.

[FR Doc.77-25604 Filed 8-31-77;8:45 am]

NATIONAL SCIENCE FOUNDATION

ADVISORY PANEL FOR ASTRONOMY

Open Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Subpanel on Laboratory and Theoretical Astrophysics of the Advisory Panel for Astronomy

Date and time: September 22, 1977—10:00 a.m. to 5:30 p.m.

Place: Room 642, 1800 G Street N.W., Washington, D.C.

Type of Meeting: Open.

Contact person: Dr. Alexander Dalgarno, Harvard College Observatory, 60 Garden Street, Cambridge, Massachusetts 02138, (617-495-4403).

or

Dr. William E. Howard, National Science Foundation, Division of Astronomical Sciences, Washington, D.C. 20550, (202-632-5717).

Purpose of Subpanel: To review NSF programs in Laboratory and Theoretical Astrophysics.

Agenda: Will include the following discussion and presentations:

SEPTEMBER 22, 1977

10 a.m.—Introduction.
10:30 a.m. Discussion of Procedures.
11 a.m.—Presentations by NSF Staff.
12 m—Lunch.
1 p.m.—Review of current activities.
2:30 p.m.—Arrangements for Subpanel Report.
4 p.m.—Adjourn.

SUMMARY MINUTES: May be obtained from the Committee Management Coordination Staff, Division of Personnel and Management, Room 248, National Science Foundation, Washington, D.C. 20550.

M. REBECCA WINKLER,
Acting Committee Management Officer.

AUGUST 29, 1977.

[FR Doc.77-25465 Filed 8-31-77;8:45 am]

PHYSICALLY HANDICAPPED IN SCIENCE PROGRAM

Procedure for Proposal Submission

The National Science Foundation (NSF) plans in FY 1978 to make a small number of awards for projects to: (1) Identify and provide information on the problems of the physically handicapped in becoming scientists and ways to overcome these problems, and (2) to develop student science training models directly involving handicapped students at the secondary and college levels.

Four types of projects will be supported: (1) Conferences, (2) workshops, (3) studies, and (4) science training models which directly involve groups of handicapped students. Proposals may request up to a maximum of $50,000 for each project. During FY 1977 available funds permitted the support of 11 projects at a cost of $481,000. Funding for FY 1978 is expected to remain at approximately the same level.

Draft guidelines for the preparation and submission of proposals for FY 1978 may be requested directly from the Physically Handicapped in Science Program, Directorate for Science Education, National Science Foundation, Washington, D.C. 20550. The closing date for submission of proposals to the Physically Handicapped in Science Program is November 7, 1977. Questions may be directed to Dr. Lafe R. Edmunds, 202-282-7150.

MARIAN R. WINKLER,
Acting Committee Management Officer.

AUGUST 29, 1977.

[FR Doc.77-25466 Filed 8-31-77;8:45 am]

FEDERAL POWER COMMISSION

[Project No. 1051]

ALASKA POWER & TELEPHONE CO.

Issuance of Annual License(s)

AUGUST 24, 1977.

On June 8, 1976, Alaska Power & Telephone Company, Licensee for the Skagway Project, located on the Reid Falls, Dewey, Icy and Snyder Creeks in the Skagway-Yakutat Census Division near the Town of Skagway, Alaska, filed an application for a new license pursuant to the Federal Power Act and Commission regulations thereunder.

The license Project No. 1051 was issued effective April 14, 1930, for a period ending August 29, 1977. In order to authorize the continued operation and maintenance of the project, pending Commission action on Licensee's application, it is appropriate and in the public interest to issue an annual license to Alaska Power & Telephone Company.

Take notice that an annual license is issued to Alaska Power & Telephone Company for the period August 30, 1977, to August 29, 1978, or until the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Skagway Project No. 1051 subject to the terms and conditions of the original license. Take further notice that if issuance of a new license does not take place on or before August 29, 1978, a new annual license will be issued each year thereafter, effective August 30 of each year, until such time as a new license is issued, without further notice being given by the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-25475 Filed 8-31-77;8:45 am]

[Docket No. E-8884]

CAROLINA POWER & LIGHT CO.

Filing of Settlement Agreement

AUGUST 24, 1977.

Take notice that on July 22, 1977, the Carolina Power and Light Company (CP&L) submitted a Settlement Agreement in the above mentioned docket to the Federal Power Commission. A Motion seeking approval of the proposed Settlement Agreement was also filed. The matter is now before the Commission for consideration.

The proposed Settlement provides that CP&L will refund $4,667,493 to its municipal wholesale customers, and $4,017,129 to its electric cooperative customers plus interest at 9% per annum for the period from the date of each monthly bill payment until the date of refund. These refunds will be made on a pro rata percentage basis. CP&L will retail all other amounts collected subject to the refund from the customers in Docket No. E-8884. Intervenors ElectriCities, North Carolina Electric Membership Corporation and Four County Electric Membership Corporation agreed to cease all litigation in Phase I and Phase II of Docket No. E-8884 including any litigation or reopened proceedings with respect to the Allowance For Funds Used During Construction (AFDUC).

The proposed Settlement is in complete settlement of all issues as to the dollars which CP&L was entitled to receive from the sale-for-resale municipal and electric cooperative customers for service rendered during the period January 2, 1975 through April 30, 1976.

Any person wishing to do so may submit comments in writing concerning the proposed Settlement Agreement to the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, on or before September 30, 1977. The Settlement Agreement is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-25479 Filed 8-31-77; 8:45 am]

[Docket No. CP77-47]

COLUMBIA GULF TRANSMISSION CO.

Petition To Amend

AUGUST 24, 1977.

Take notice that on August 8, 1977,[1] Columbia Gulf Transmission Company (Petitioner), P.O. Box 683, Houston, Texas 77001, filed in Docket No. CP77-47 a petition to amend the Commission's order of February 7, 1977 issued in the instant docket (57 FPC) pursuant to Section 7 of the Natural Gas Act and Section 157.7(b) of the Commission's Regulations thereunder (18 CFR 157.7 (b)) so as to provide for an increase in the total expenditures for the construction of budget facilities to $12,000,000, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Petitioner indicates that on February 7, 1977, it was granted authorization in the instant docket to construct during the calendar year 1977 and to operate such budget facilities as set out therein, limiting the total expenditures to $7,000,000 with no single onshore project to exceed $1,500,000 and no single offshore project to exceed $2,500,000. Petitioner states that the availability of gas supplies earlier than anticipated and the revised forecast of gas purchase facilities operationally necessary in 1977 mandate that it acquire and have available authorization to utilize the total amount of $12,000,000 available to it under the Regulations. It is indicated that the forecasted expenditures, as revised, during the calendar year 1977 exceed the limitations of the Commission's order issued in the instant docket on February 7, 1977 as it is now operative; therefore, Petitioner requests that paragraph (D) of said order be amended to increase the therein provided limitation upon total expenditures to $12,000,000.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before September 16, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-25476 Filed 8-31-77;8:45 am]

[1] The application was initially tendered for filing on August 8, 1977; however, the fee required by Section 159.1 of the regulations under the Natural Gas Act (18 CFR 159.1) was not paid until August 18, 1977; thus, filing was not completed until the latter date.

[Docket No. ER77-529]

COLUMBUS AND SOUTHERN OHIO ELECTRIC CO.

Order Accepting for Filing Proposed Rate Schedules, Suspending Proposed Rate Changes, Establishing Procedures, Granting Intervention, and Setting Price-Squeeze Issues for Hearing

AUGUST 26, 1977.

On July 29, 1977, Columbus and Southern Ohio Electric Company (hereinafter Columbus) tendered for filing a proposed increase in rates and charges to three municipal customers.[1] Columbus also tendered for filing revised rates for the City of Columbus, Ohio, to become effective January 1, 1978.[2] The total filing would increase the Company's revenues by $2,500,889 (22.43%) for the 12-month period ending June 30, 1978. The Company requested waiver of the notice requirements to allow the revised rates to become effective as of July 1, 1977, as to the three municipal customers. The Company also requested waiver of the rule that prohibits filing more than 90 days in advance of the proposed effective date for the revised rates for the City of Columbus.

Notice of the tendered filing was issued August 5, 1977, with all protests or petitions to intervene due on or before August 19, 1977. On August 17, 1977, a petition to intervene and protest was filed by the City of Westerville, Ohio. The City requested a five-month suspension period—the maximum statutory period. The City of Columbus, Ohio, on August 18, 1977, filed a petition to intervene.

Our review indicates that the proposed rates filed by Columbus have not been shown, to be just and reasonable and

[1] Cities of Westerville, Jackson and the Village of Glouster, all in Ohio. (See Appendix A for Designations.)

[2] Columbus' present agreement with the City of Columbus will expire December 31, 1977. According to Columbus' transmittal letter, it will apply the tariff rate to the City of Columbus after the expiration of its present contract.

therefore, may be unjust, unreasonable, unduly discriminatory or preferential or otherwise unlawful. We also find that good cause does not exist to grant waiver of the notice requirements to allow Columbus' request for an effective date of July 1, 1977. Accordingly, we shall suspend the proposed rates for the three municipal customers for one day, to become effective August 30, 1977, subject to refund. Furthermore, we find good cause to grant waiver of the 90-day rule therefore accepting for filing the proposed rates to the City of Columbus. Accordingly, we shall suspend the proposed rates for the City of Columbus for one day to become effective January 2, 1978, subject to refund.

Our examination of the proposed tariff reveals that the billing demand for the City of Columbus is computed differently from that of other municipal customers. The billing demand provision applicable to the City of Columbus is a form of peak-load pricing and would apparently result in lower cost of power to the City of Columbus if it is able to shift load to off-peak periods. Accordingly, the Commission will direct the Company to show cause why the billing provision applicable to the City of Columbus should not be available to all tariff customers.

The City of Westerville raises a "price squeeze" allegation [3] in its filing. To conform with our Order No. 563, additional procedures must be set so as to effectuate these policies. 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 the petitioner's request for data necessary to present its *prima facie* showing on the price-squeeze issue.

The Commission finds: (1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Federal Power Act that the Commission enter upon a hearing concerning the lawfulness of the proposed increased rates and charges tendered by Columbus on July 29, 1977, establishing procedures for that hearing, and that the proposed increased rates and charges be accepted for filing, suspended, and the use thereof deferred, all as hereinafter ordered.

(2) Participation by the City of Westerville and the City of Columbus in this proceeding may be in the public interest.

(3) Good cause exists to deny Columbus' request for waiver of the notice requirements to allow the revised rates to become effective July 1, 1977.

(4) Good cause exists to accept Columbus' request for waiver of the rule that prohibits filing rates more than 90 days in advance of the proposed effective date.

(5) Good cause exists to establish "price squeeze" procedures to effectuate the Commission's policy announced in Order No. 563.

(6) Good cause exists to direct Columbus to show cause why the billing provisions applicable to the City of Columbus should not be available to all tariff customers.

[3] FPC v. Conway Corporation, 426 U.S. 271 (1976).

The Commission orders: (A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Federal Power Act, particularly Sections 205, 206, 301, 308 and 309 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the Regulations under the Federal Power Act (18 CFR, Chapter I), a public hearing shall be held concerning the justness and reasonableness of the rates proposed by Columbus in this proceeding.

(B) Pending such hearing and decision thereon, the proposed increased rates and charges filed by Columbus on July 29, 1977 and identified above as associated with the three municipal customers are hereby accepted for filing, suspended and the use thereof deferred until August 30, 1977, when they shall become effective, subject to refund.

(C) Pending such hearing and decision thereon, the proposed increased rates and charges filed by Columbus on July 29, 1977 and identified above as associated with the City of Columbus are hereby accepted for filing, suspended and the use thereof deferred until January 2, 1978, when they shall become effective, subject to refund.

(D) The Staff shall prepare and serve top sheets on all parties for settlement purposes on or before December 15, 1977.

(E) A Presiding Administrative Law Judge to be determined by the Chief Administrative Law Judge for that purpose shall preside at a prehearing conference in this proceeding to be held on January 4, 1978, at 10:00 a.m. (ET) in a hearing of the Federal Power Commission, 825 North Capitol Street, N.E., 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 Commission's Rules of Practice and Procedure.

(F) The City of Westerville and the City of Columbus are hereby permitted to intervene in this proceeding subject to the Rules and Regulations of the Commission: *Provided, however,* That participation of such intervenor shall be limited to the matters affecting asserted rights and interests specifically set forth in the petition to intervene; and *Provided, further,* That the admission of such intervenor shall not be construed as recognition by the Commission that it might be aggrieved by any orders entered in this proceeding.

(G) The Administrative Law Judge shall convene prehearing conference within 15 days from the date of this order for the purpose of hearing the City of Westerville's request for data required to present its case, including a *prima facie* showing, on the price-squeeze issue. Columbus shall be required to respond to the discovery requests authorized by the Administrative Law Judge within 30 days and the City of Westerville shall file its case-in-chief on the price-squeeze issue within 30 days after Columbus' response.

(H) The Company is hereby ordered to show cause why thhe billing provisions applicable to the City of Columbus should not be available to all tariff customers.

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

By the Commission.

KENNETH F. PLUMB,
Secretary.

APPENDIX A.—*Columbus and Southern Ohio Electric Company—Docket No. ER77-529*

Designation	Other party	Description
FPC Electric Tariff 2d revised vol. No. 1, original sheet No. 1-3, (supersedes FPC Electric Tariff 1st revised vol. No. 1 and 1st revised sheets thereto).	Tariff customers...	Revised tariff rate.
Service agreement under FPC Electric Tariff 2d revised vol. No. 1 (supersedes rate schedule FPC No. 29).	City of Columbus.	Unexecuted service agreement under tariff.

[FR Doc.77-25487 Filed 8-31-77;8:45 am]

[Docket No. ER77-562]

CONNECTICUT LIGHT AND POWER CO.

Transmission Agreement

AUGUST 24, 1977.

Take notice that on August 22, 1977, Connecticut Light and Power Company (CL&P) tendered for filing a proposed rate schedule with respect to the Transmission Agreement dated June 29, 1977 between (1) CL&P, The Hartford Electric Light Company (HELCO) and Western Massachusetts Electric Company (WMECO) and (2) North Attleborough Electric Department (NAED).

CL&P states that the Transmission Agreement provides for a transmission service to NAED during the period from July 1, 1977 to October 31, 1977.

CL&P indicates that the transmission charge rate is a monthly rate equal to one-twelfth of the annual average cost of transmission service on the Northeast Utilities system determined in accordance with Section 13.9 (Determination of Amount of Pool Transmission Facilities (PTF) Costs) of the New England Power Pool (NEPOOL) Agreement and the uniform rules adopted by the NEPOOL Executive Committee, multiplied by the number of kilowatts which NAED is entitled to receive.

CL&P requests an effective date of July 1, 1977 for the Transmission Agreement, and therefore requests waiver of the Commission's notice requirements.

HELCO and WMECO have filed certificates of concurrence in this docket.

CL&P states that copies of this rate schedule have been mailed or delivered to HELCO, Hartford, Connecticut, WMECO, West Springfield, Massachusetts and NAED, North Attleboro, Massachusetts.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 14, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this application are on le with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-25480 Filed 8-31-77;8:45 am]

[Docket No. ER76-45]

CONSUMERS POWER CO.

Filing

AUGUST 24, 1977.

Take notice that Consumers Power Company (Consumers), on August 8, 1977, tendered for filing a letter to Southeastern Michigan Rural Electric Cooperative, Inc., establishing July 26, 1977 as the in-service date (and the effective date of the contract) for wholesale electric service to 7727 Springville Highway, Cambridge Township, Lenawee County, Michigan.

In compliance with the terms of the Settlement Agreement approved by Commission order in this docket dated March 7, 1977, Consumers, on July 22, 1977 (noticed on August 2, 1977) tendered for filing service agreements for wholesale electric service to three delivery points of Southeastern Michigan Rural Electric Cooperative, Inc., including a contract dated July 6, 1977, for serivce to be delivered at 7727 Springville Highway, Cambridge Township, Lenawee County, Michigan. Consumers stated that service to this delivery point was to commence when construction of certain facilities was completed.

Consumers states that copies of the letter establishing the in-service date were served on the customer and on the Michigan Public Service Commission.

Any person desiring to protest said filing should file a protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Section 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.10). All such protests should be filed on or before August 31, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of the filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-25477 Filed 8-31-77;8:45 am]

DEPARTMENT OF WATER RESOURCES STATE OF CALIFORNIA

[Project No. 2100]

Application for Approval of Proposed Easement Within Project Boundary

AUGUST 24, 1977.

Public notice is hereby given that an application for Commission approval of an easement for a proposed wildlife habitat area was filed May 31, 1977, under the Federal Power Act (16 U.S.C. §§ 791(a)-825(r) (1970)), by the Department of Water Resources, State of California (correspondence to: Mr. George P. Panos, Division of Land and Right of Way, Department of Water Resources, State of California, P.O. Box 388, Sacramento, California 95802). The easement for the proposed wildlife habitat area would be located on the lands of the Feather River Project, FPC Project No. 2100, on the Feather River and its tributaries in Butte County, California.

The application seeks Commission approval of a proposed easement over 26.97 acres of project land to be granted by the State of California Department of Water Resources to the State of California Department of Fish and Game for the purpose of establishing, operating and maintaining a wildlife habitat area. This area, designated as parcel no. ORO-B-9-C, is located in Section 27, T. 19 N., R. 3 E, M.D.M., Butte County, near Thermalito Afterbay Dam and adjacent to the existing Oroville Wildlife Area. No construction is proposed.

Any person desiring to be heard or to make protest with reference to said application should on or before October 11, 1977, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 C.F.R. § 1.8 or § 1.10 (1976)). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-25478 Filed 8-31-77;8:45 am]

[Docket Nos. CI77-590, et al.]

ET AL, INC., ET AL.

Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

AUGUST 26, 1977.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 10 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard of to make any protest with reference to said application should on or before September 6, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft.[3]	Pressure base
CI77-590..... B 6-22-77.	Et al, Inc., 301 Cameron Bldg., Oklahoma City, Okla. 73106.	Kansas-Nebraska Natural Gas Co., Inc., Bradbridge Field, Edwards County, Kans.	Depleted	.....
CI77-591..... B 6-22-77.	do	do	do	.....
CI77-599..... B 6-27-77.	Halliburton Oil Producing Co., 300 Cameron Bldg., Oklahoma City, Okla., 73106.	Kansas-Nebraska Natural Gas Co., Inc., Macksville Field, Stafford County, Kansas and Zook, Hearn, Shady and Snowberger Fields, Pawnee County, Kans.	do	.....
CI77-698..... B 8-9-77.	Sanford P. Fagadau, 1301 Dresser Bldg., 1505 Elm St., Dallas, Tex. 75201.	Lone Star Gas Company bluegrove North-Area Field, Clay County, Tex.	(1)	

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

[1] Applicant desires to assist Lone Star in the realignment of its gas system in order to better serve gas customers in the Wichita Falls area and prevent the drain on its limited interstate supplies, as proposed by Lone Star in its application for abandonment authorization and as approved by the Commission on Apr. 29, 1977.

[FR Doc.77-25474 Filed 8-31-77;8:45 am]

[Docket No. FR 77-559]

FITCHBURG GAS & ELECTRIC LIGHT CO.

Initial Rate Filing

AUGUST 24, 1977.

Take notice that Fitchburg Gas & Electric Light Company (Fitchburg) on August 19, 1977, tendered for filing as an Initial Rate Schedule an Electric Generating Capability Sales Agreement between Fitchburg and Public Service Company of New Hampshire (New Hampshire). Fitchburg indicates that the Agreement provides for the sale by Fitchburg to New Hampshire of 15.0 MW of electric generating capability during November 1, 1977 throuugh October 31, 1979.

Fitchburg states that copies of this Agreement have been sent to the State of New Hampshire Public Utilities Commission and the Massachusetts Department of Public Utilities.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 9, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-25481 Filed 8-31-77;8:45 am]

[Docket No. ES77-54]

IOWA SOUTHERN UTILITIES CO.

Application

AUGUST 24, 1977.

Take notice that on August 15, 1977, the Iowa Southern Utilities Company (Applicant), filed an application seeking an order pursuant to Section 204 of the Federal Power Act authorizing the issuance of $30,000,000 aggregate principal amount of unsecured short term promissory notes and commercial paper notes.

Applicant is incorporated under the laws of the State of Delaware with its principal business office at Centerville, Iowa, and is engaged in the electric utility business in 24 counties in Iowa.

Applicant proposes to issue Notes to both commercial banks and to commercial paper dealers. Applicant states that the Notes issued to commercial banks will not exceed $30,000,000 and that the Notes to be issued to commercial paper dealers will not exceed 25 percent of the Applicant's most recent twelve months' revenue from the sale of electricity and gas, which would presently permit the issuance of $16,600,000.

Applicant states that the interest rate on the Notes issued to commercial banks will not exceed 110 percent of the prime interest rate. Applicant anticipates that the interest rate on commercial paper at the time of issuance will, in general, average ¼ percent to 1 percent below the prime bank rate; however, Applicant states that on occasions the interest rate could exceed the prime rate.

Notes issued to commercial banks will mature no later than 92 days from date of issuance. Commercial paper notes will mature no later than 270 days from date of issue. Notes will be issued from time to time prior to January 1, 1980.

Applicant states that the proceeds from the issuance of the securities will be added to its general funds, which general funds will be used, among other things, to provide interim funds for construction expenditures to be made in 1978 and 1979.

Any person desiring to be heard or to make any protest with reference to said Application should on or before September 6, 1977, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-25482 Filed 8-31-77;8:45 am]

[Docket No. RM74-16]

NATURAL GAS COMPANIES ANNUAL REPORT OF PROVED DOMESTIC GAS RESERVES: FPC FORM NO. 40

Order Granting Rehearing for Purposes of Further Consideration and Notice of Intent To Act

AUGUST 26, 1977.

On July 29, 1977, the following parties filed applications for rehearing of Order No. 526-B issued June 30, 1977: Gulf Oil Corporation and The Superior Oil Company; and Amoco Production Company. On August 1, 1977, the following additional parties filed applications for rehearing: Amerada Hess Corporation; Tenneco Oil Company; Exxon Corporation; Marathon Oil Company; and C&K Petroleum, Inc., C&K Offshore Company and C&K Marine Production Company. On August 8, 1977, Jake L. Hamon filed an application for rehearing and reconsideration, which, because it is not timely under Section 19 of the Natural Gas Act, must be treated as an application for reconsideration. On August 5, 1977, Amoco Production Company moved for a partial stay of order No. 526-B.

Order No. 526-B, issued after a court remand, prescribed FPC Form No. 40 requiring the submission of data on Proved Domestic Gas Reserves including data on a reservoir basis. The applications for rehearing discuss numerous issues at length and require further consideration by the Commission than is afforded by the statutory period. Amoco Production's motion for a partial stay should be considered in the light of the applications for rehearing.

The Commission finds: The applications for rehearing and reconsideration filed in this proceeding should be granted for further consideration.

The Commission orders: (A) The applications for rehearing and reconsideration filed herein are hereby granted for purposes of further consideration.

(B) The Commission intends to issue an order on Amoco Production's motion for a partial stay and it should not be deemed denied under § 1.12(e) of the Commission's rules.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-25489 Filed 8-31-77;8:45 am]

[Docket Nos RP72-74, RP74-6, RP72-74, RP-74-6, (Phase I and Phase II), RP71-3, RP-77-12, RP77-15, and CP74-329]

SOUTHERN NATURAL GAS CO., ET AL.

Certifications of Proposed Settlement Agreement

AUGUST 24, 1977.

In the matter of Southern Natural Gas Co., Carolina Pipeline Co. v. Southern Natural Gas Co., Atlanta Gas Light Co. v. Southern Natural Gas Co.

Take notice that on August 12, 1977, Southern Natural Gas Co. (Southern) submitted a settlement in the above-entitled proceedings; and on August 15, 1977, the Presiding Administrative Law Judges certified to the Commission for its consideration a Stipulation and Agreement dated August 9, 1977, together with the related hearing records in each of those proceedings except Docket Nos. RP77-12 and RP77-15 in which no hearing has been convened.

The proposed settlement results from discussions among Southern, the Commission staff, and interested parties in the proceedings, and purports to resolve all issues in such cases except the issues in Phase II of Docket Nos. RP72-74 and RP74-6 relating to the City of Austell Natural Gas System.[1] The proposed permanent curtailment plan will be incontestable for a period of two years from the date on which a Commission order approving such plan in accordance with the terms of the Stipulation and Agreement becomes final and non-appealable.

The Stipulation and Agreement, among other things, provides for the following:

(1) The establishment of a permanent curtailment plan for Southern based on Opinion Nos. 747, 747-A, and 747-B with the modifications to Section 9 of the General Terms and Conditions of Southern's FPC Gas Tariff, Sixth Revised Volume No. 1 as contained in Article III of the Stipulation and the corrections included in Article IV thereof; (2) the continuance of Southern's currently effective Index of Requirements with certain changes set forth in Appendix C of the Stipulation as part of Southern's permanent curtailment plan; (3) the proscription of any change in the currently effective Index of Requirements to reflect growth in natural gas requirements of any priority since the end of the base period in February, 1973; (4) within ten days after the date upon which a Commission order approving this Stipulation and Agreement is final and non-appealable, the various parties shall seek to dismiss pending court and/or administrative actions relating to or resulting from the operation of curtailment plans in effect on the Southern system since January 11, 1972; (5) the claim by the parties that to their knowledge no adverse environmental impact would result from the adoption by the Commission and implementation by Southern of the permanent curtailment plan proposed in the Stipulation; and (6) the Stipulation and Agreement represents a negotiated settlement of the above-captioned proceedings and does not constitute an acceptance of principles that may underlie the permanent curtailment plan delineated therein.

Any person desiring to be heard or to make any protest with reference to said filing of settlement agreement should file, on or before September 6, 1977, such comments or petitions to intervene with the Federal Power Commission, Washington, D.C. 20426, in accordance with the requirements of the Commission's rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make protestants parties to these proceedings. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. Persons that have previously filed a notice or petition for intervention in any of these proceedings need not file additional notices or petitions to become parties with respect to the instant filing. The filing which was made with the Commission is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 77-5483 Filed 8-31-77; 8:45 am]

[Docket No. CI77-298]

TENNECO, INC., AMOCO PRODUCTION CO., ET AL.

Further Extension of Time

AUGUST 25, 1977.

On August 17, 1977, Mobil Oil Corp. (Mobil) filed a motion to further extend the time for filing its direct evidence in the above designated proceeding, as set by Commission Order issued June 6, 1977, and modified by Notice issued June 30, 1977. Mobil submits that an extension is necessary in order that it have adequate time to digest the extensive evidence which has been filed by Tenneco, Inc. (Tenneco), and to prepare evidence which coherently responds to that of Tenneco.

Upon consideration, notice is hereby given that the procedural dates set by the June 30, 1977, Notice in the above docket are extended as follows:

Filing of direct testimony and evidence by all respondents on or before September 30, 1977.

Pre-hearing conference, October 25, 1977, at 10:00 A.M. E.D.T. in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-25486 Filed 8-31-77;8:45 am]

[Docket No. RP71-11, (PGA77-4)]

TENNESSEE NATURAL GAS LINES, INC.

Order Granting Rehearing, Accepting and Making Effective Alternate Tariff Sheets, Suspending Tariff Sheets Accepted by Prior Order, Initiating Hearing, and Establishing Hearing Procedures

AUGUST 26, 1977.

On July 27, 1977, the Tennessee Public Service Commission (TPSC) filed an application for rehearing requesting that the PGA rate increase accepted for filing by letter order issued June 30, 1977, in the captioned docket, be suspended and that an investigation into the proper calculation of PGA rates be ordered. For the reasons set forth below, the Commission grants TPSC's application for rehearing, orders appropriate relief and establishes hearing procedures for resolution of the issues raised by TPSC in its application for rehearing.

The instant proceeding was initiated on June 1, 1977, when Tennessee Natural Gas Lines Inc. (Tennessee Natural) filed alternate sets of revised tariff sheets reflecting increased PGA rates. One set of PGA rates[1] incorporated supplier increases of 4.98 cents per Mcf plus a 1.64 cents per Mcf surcharge to recoup, over a 12-month period, the costs of emergency gas purchases made during the 1976-77 winter. The alternate set[2] excluded all costs of emergency purchases and included a current rate adjustment of 4.98 cents per Mcf reflecting regular supplier rate increases exclusively.

On June 9, 1977, Tennessee Natural amended its June 1, 1977, filing by tendering substitute tariff sheets.[3] The substitute sheets reduced the surcharge adjustment for emergency purchases to correct a billing error made by one of its emergency suppliers. The substitute filing made June 9, 1977, which incorporated a 4.9 cents per Mcf increase for current purchases and a 1.51 cents per Mcf surcharge, was accepted for filing by the Commission by letter order issued June 30, 1977, and the revised PGA rates were permitted to become effective, as requested by Tennessee Natural, on July 1, 1977.

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[1] The parties request that the case involving the City of Austell Natural Gas System be assigned a new docket number.

[1] Twenty-First Revised Sheet No. PGA-1 and Sixteenth Revised Sheet No. PGA-2 to Tennessee Natural's FPC Gas Tariff, First Revised Volume No. 1.

[2] Alternate Twenty-First Revised Sheet No. PGA-1 and Alternate Sixteenth Revised Sheet No. PGA-2 to Tennessee Natural's FPC Gas Tariff, First Revised Volume No. 1.

[3] Substitute Twenty-First Revised Sheet No. PGA -1 and Substitute Sixteenth Revised Sheet No. PGA -2 to Tennessee Natural's FPC Gas Tariff, First Revised Volume No. 1.

On June 16, 1977, within the time period allowed by the Commission for such filings and prior to the date of the Commission's letter order, TPSC filed a notice of intervention in the captioned proceeding. The notice of intervention, which served to make TPSC a party to the proceeding,[4] requests that the Commission suspend operation of Tennessee Natural's revised tariff sheets and order an investigation into the proper allocation of the costs of emergency gas supplies. TPSC questions whether the costs of emergency purchases have been allocated equitably between Tennessee Natural's jurisdictional and nonjurisdictional customers. TPSC's notice points out that a portion of the emergency gas purchased by Tennessee Natural during this past winter may have been used to serve Tennessee Natural's Priority 2, nonjurisdictional customers.

Unfortunately, as the result of an apparent administrative error, TPSC's notice of intervention never appeared as part of the record upon which the Commission issued the June 30, 1977, letter order. TPSC's substantive objections to the propriety and legality of the PGA increase were not considered by the Commission when it issued the subject letter order. Accordingly, the Commission finds that the record in this proceeding was materially deficient and, consequently, that good cause exists to grant rehearing of the June 30 letter order.

The Commission also finds that the issues raised by TPSC in its application for rehearing (which issues were entirely incorporated in TPSC's June 16, 1977, notice of intervention) cannot be resolved on the basis of the current record and that a further investigation is required. The Commission therefore shall establish procedures for an informal resolution of the issues raised by TPSC, or, alternatively, if the parties cannot fairly resolve the issues, for a full, evidentiary hearing.

Based on the foregoing considerations, the Commission, acting pursuant to section 19 of the Natural Gas Act,[5] shall modify the order of June 30, 1977, by suspending Tennessee Natural's proposed PGA rate increase including the surcharge for one day until July 2, 1977, and shall set for hearing the issue of the reasonableness of Tennessee Natural's allocation of emergency gas costs between jurisdictional and nonjurisdictional customers. Since no issue has been raised concerning Tenessee Natural's current gas cost adjustment, the proposed rates excluding the unrecovered purchased gas cost surcharge shall be accepted for filing and approved, effective July 1, 1977. This procedure properly limits Tennessee Natural's refund liability to the surcharge revenues which are in dispute.

The Commission finds: It is necessary and proper in carrying out the provisions of the Natural Gas Act that TPSC's application for rehearing be granted as hereinafter ordered.

The Commission orders: TPSC has filed a timely notice of intervention in this proceeding and its application for rehearing is granted. The June 30, 1977, letter order in the captioned docket is modified as provided by the terms of this order.

(B) Pursuant to sections 4, 5, 8, 15, and 19 of the Natural Gas Act and the Commission's rules and regulations a hearing shall be held to determine the justness and reasonableness of Tennessee Natural's allocation of emergency gas costs between its jurisdictional and nonjurisdictional customers.

(C) The alternate set of tariff sheets filed June 1, 1977, as described herein, is accepted for filing and made effective as of July 1, 1977. Pending hearing and decision, the substitute filing of June 9, 1977, is suspended for one day, and made effective on July 2, 1977, subject to refund.

(D) An informal conference shall be convened by the Commission staff within 30 days from the date of this order for the purpose of resolving the issues in this proceeding. Further procedures, if any, as may be required following conclusion of the conference shall be prescribed by the Presiding Law Judge upon motion by the parties to the proceeding, including the staff.

(E) A Presiding Administrative Law Judge, to be designated by the Chief Administrative Law Judge pursuant to 18 CFR 3.5(d), shall be assigned to this proceeding for the purposes set forth in this order and to preside over any hearings which ultimately may be required.

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

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-25438 Filed 8-31-77;8:45 am]

[4] 18 CFR § 1.8(1) as interpreted by *Pub. Serv. Comm'n of N.Y.* v. *FPC*, 295 F. 2d 140 (D.C. Cir. 1961).

[5] The relevant language is as follows: "Any person * * * aggrieved by an order issued by the Commission in a proceeding under this act to which such person * * * is a party may apply for a rehearing within thirty days after issuance of such order. * * * Upon such application the Commission shall have power to grant or deny rehearing or to abrogate or modify its order without further hearing."

[Docket No. ER77-560]

UNION ELECTRIC CO.

Revised Service Schedule

AUGUST 24, 1977.

Take notice that on August 19, 1977, Union Electric Co. (Union) tendered for filing an Amendment and revised Appendices A, B and D to the Electric Service Agreement dated December 15, 1955 between Union and Missouri Power & Light Company.

Union indicates that the revisions being filed primarily reflect the addition of a new delivery point, modification of certain contract capacities and correction factors, and a reduction in a facilities charge.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 9, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-25484 Filed 8-31-77;8:45 am]

[Docket No. RP77-114]

WESTERN TRANSMISSION CORP.

Order Accepting for Filing and Suspending Proposed Rate Increase, Initiating Hearing, and Establishing Procedures

AUGUST 24, 1977.

On July 25, 1977, Western Transmission Corporation (Western) tendered for filing in this docket proposed changes to its FPC Tariff[1] which would increase its revenues for jurisdictional natural gas sales and services by $128,934 annually based upon actual operations for the 12 months ended April 30, 1977, as adjusted. Western requests the proposed increase be permitted to become effective on September 1, 1977. For the reasons stated below, the Commission shall accept the proposed rate increase for filing, suspend it for one day, and set the matter for hearing.

Western requests an increase of 3.2 cents per Mcf in its transportation and resale rates based on increased costs and a claimed rate of return of 10.40 percent on rate base. Western claims that despite increases in the volumes of gas transported and sold, it has nevertheless realized a deficit in recent years.

Western submitted statements L, M, and N pursuant to section 154.63 of the Commission's regulations and requests waiver of the regulations so as not to be required to file statements A through K, O, and P. In view of the relatively small amount of increase sought, the time and expense which would be required to prepare the additional statements, and the fact that the statements submitted are adequate for purposes of the Commission's review and determination, the Commission finds that good cause exists to grant the requested waiver, provided however, that Western may be required to submit statement P if found to be necessary for purposes of the hearing initiated by this order. This matter shall be determined by the Presiding Law Judge.

[1] Fourth Revised Sheet No. 4 to Original Tariff Volume No. 1.

Public notice of Western's filing was issued on August 5, 1977, providing for protests or petitions to intervene to be filed on or before August 19, 1977. On April 18, 1977, Colorado Interstate Gas Company (CIG) filed a petition to intervene. The Commission finds that the public interest may be served by CIG's participation in this proceeding.

Based upon a review of Western's filing the Commission finds that the proposed higher rates have not been shown to be just and reasonable and may be unjust, unreasonable, or otherwise unlawful. Accordingly, the Commission shall accept Western's proposed rate increase for filing, suspend its use for one day or until September 2, 1977, when it shall be permitted to become effective, subject to refund, and shall set the matter for hearing.

The Commission finds: It is necessary and proper in the public interest and in carrying out the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the increased rates and charges proposed by Western, and that the same be accepted for filing and suspended as provided by this order.

The Commission orders: (A) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, 8, and 15 thereof, and the Commission's rules and regulations, a public hearing shall be held concerning the lawfulness of the increased rates proposed by Western.

(B) Pending hearing and decision, Western's proposed rate increase is accepted for filing and suspended for one day, or until September 2, 1977, when it shall be permitted to become effective, subject to refund, upon motion filed by Western in accordance with the provisions of the Natural Gas Act.

(C) Waiver of section 154.63 of the Commission's regulations is granted as to statements A through K and O. As to statement P, the request for waiver is referred to the Presiding Administrative Law Judge.

(D) The Commission staff shall prepare and serve top sheets on all parties on or before October 11, 1977.

(E) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (18 CFR 3.5(d)), shall convene a settlement conference in this proceeding to be held within 10 days after the service of top sheets by the staff, in a hearing or conference room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426. The Presiding Administrative Law Judge is authorized to establish such further procedural dates as may be necessary and to rule upon all motions (except motions to consolidate, sever, or dismiss), as provided for in the rules of practice and procedure.

(F) CIG is hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission; *provided, however,* that participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in the petition to intervene; and *provided, further,* that the admission of such intervenor shall not be considered as recognition by the Commission that it might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(G) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-25485 Filed 8-31-77;8:45 am]

[Docket No. CP73-329, (PGA77-5)]

CHATTANOOGA GAS CO.

Proposed PGA Rate Adjustment

AUGUST 23, 1977.

Take notice that on August 8, 1977, Chattanooga Gas Company, a Division of Jupiter Industries, Inc., (Chattanooga) tendered for filing proposed changes to Original Volume No. 1 of its FPC Gas Tariff to be effective on August 1, 1977 consisting of the following revised tariff sheets:

Twenty Fourth Revised Sheet No. 6

Chattanooga states that the sole purpose of this Revised Tariff Sheet is to adjust Chattanooga's LNG rates pursuant to the PGA provision in Section 5 of the General Terms and Conditions of its FPC Tariff to reflect increased purchased gas costs resulting from a PGA rate increase and a general rate increase by Southern Natural Gas Company, (Southern) in Docket Nos. RP73-64 and RP77-31.

Chattanooga requests that its Twenty Fourth Revised Sheet No. 6 be made effective on August 1, 1977, the proposed effective date of the underlying increases by Southern.

Chattanooga states that copies of the filing have been mailed to all of its jurisdictional customers.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 2, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-25458 Filed 8-31-77;8:45 am]

[Docket No. ER76-709]

CINCINNATI GAS AND ELECTRIC

Extension of Time

AUGUST 23, 1977.

On August 12, 1977, the village of Georgetown, Ohio (Georgetown), filed a motion to extend the time for complying with Ordering Paragraph (C) of the Commission Order issued July 25, 1977, in the above designated proceeding.

Upon consideration, notice is hereby given that the date within which Georgetown shall file the statement required by Ordering Paragraph (C) is extended to and including October 10, 1977.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-25463 Filed 8-31-77;8:45 am]

[Docket No. G-18545]

CITIES SERVICE GAS CO.

Petition to Amend

AUGUST 23, 1977.

Take notice that on August 15, 1977, Cities Service Gas Company (Petitioner), P.O. Box 25128, Oklahoma City, Oklahoma 73125, filed in Docket No. G-18545 a petition to amend the Commission's order of March 7, 1960 (23 FPC 481), issued in the instant docket pursuant to Section 7 of the Natural Gas Act so as to permit and approve the abandonment of the sale of certain volumes of gas to Western Gas Interstate Company (Western) and to authorize additional exchange arrangements, all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

It is indicated that pursuant to the Commission's order issued March 7, 1960, in the instant docket, Petitioner was authorized to make the sale of volumes of gas to and to exchange volumes of gas with Western pursuant to a gas purchase contract, dated November 4, 1949, as modified by an exchange agreement dated July 11, 1951, and an amendment dated October 24, 1955, between Applicant and Southwestern Public Service Company (Western's predecessor-in-interest). These agreements were filed as Petitioner's Rate Schedule X-14 to its FPC Gas Tariff, Original Volume No. 2, it is said.

Petitioner states that it purchases volumes of gas from Skelly Oil Company's, now Getty Oil Company (Getty), Jones A No. 1 and B No. 1 wells located in Texas County, Oklahoma, and that pursuant to the terms of the gas purchase contract dated November 14, 1949, this gas is resold to Western at rates based on the price paid by Petitioner to Getty.

It is indicated that pursuant to the terms of its contract with Western, Petitioner notified Western on March 18, 1977, that it was terminating this sale after May 22, 1977, but that it was willing to continue the sale on a month to month basis pending negotiation between

Petitioner and Western regarding execution of a new agreement for the exchange of the gas covered by the terminated agreement.

Petitioner states that it and Western purchase gas from the Fanning No. 1 Well located in Texas County, Oklahoma, and Western's share of this gas is delivered to Petitioner at the wellhead. Pursuant to the July 11, 1951, amendment equivalent volumes were to be redelivered to Western at a point in Texas County, Oklahoma, it is indicated.

It is stated that since 1959, at the request of Western or its predecessors-in-interest, redelivery of volumes by Petitioner has been on an intermittent basis and at January 1, 1977, Petitioner owed Western approximately 141 million cubic feet of gas under the exchange agreement.

It is indicated that on January 9, 1977, due to emergency conditions on the systems of Western and its affiliated company, Southern Union Gas Company (Southern Union), Western and Petitioner entered into an emergency exchange to reduce the exchange imbalance and to supplement gas which Petitioner sells to Southern Union at an existing point of interconnection between Petitioner's and Western's pipeline (the Adams Delivery Point) located in Texas County, Oklahoma, and that such emergency exchange terminated on March 9, 1977.

Petitioner states that in order to correct the imbalance of gas owed to Western and to prevent an increase in the deficit exchange balance, Petitioner and Western have entered into a new exchange agreement, and that this new agreement supersedes all agreements and amendments thereto presently included in Petitioner's Rate Schedule X–14 to its FPC Gas Tariff, Original Volume No. 2. Pursuant to the terms of the new exchange agreement, the volumes of gas previously sold to Western would be delivered to Western as a part of the exchange and the deficit exchange balance of gas owed by Petitioner to Western is transferred to and would be redelivered to Western in accordance with its terms.

It is indicated that pursuant to the new agreement, volumes of gas received by Petitioner for Western's account from the Fanning No. 1 Well (Fanning Exchange Point), and volumes of gas delivered to Petitioner for Western's account at an existing point of interconnection near the Northeast corner of Section 36, Township 4 North, Range 14 ECM, Texas County, Oklahoma (North Guymon Exchange Point), would be exchanged for volumes of gas delivered to Western by Petitioner at the following delivery points in Texas County, Oklahoma.

(1) The Adams delivery point, located in the Northwest Quarter (NW/4) of Section 30, Township 5 North, Range 19 ECM. (This is the delivery point of the present delivery to Western for the account of Southern Union).

(2) The West Guymon exchange point, located in the Northeast Quarter (NE/4) of Section 4, Township 2 North, Range 14 ECM. (Deliveries at this point will be made intermittently at Western's request).

(3) The Jones A and B exchange point, located in Section 3, Township 1 North, Range 12 ECM. (This is the delivery point of the sale to Western, which is being terminated.)

Petitioner states that subject to the ability of it to deliver and Western's ability to receive such gas, Petitioner would deliver volumes of gas in addition to the exchange volumes as may be requested by Western until the balance owing to Western is reduced to an amount equal to the volumes Petitioner receives each month from Western; however, the total deliveries by Petitioner to Western would not exceed 1,500 Mcf per day.

No new facilities are necessary to effectuate these arrangements as all of the proposed receipts and deliveries of gas would be made through existing interconnections, it is said.

Petitioner asserts that these proposals would correct the deficit balance of volumes of gas owed to Western by Petitioner, prevent an increase in the deficit balance, and would provide needed volume of gas to customers of Western and its affiliate, Southern Union, in the rural areas of Texas and Beaver Counties, Oklahoma.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before September 13, 1977 file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-25451 Filed 8-31-77;8:45 am]

[Project No. 2389]

ECONOMIC DEVELOPMENT CORP.

Application for Transfer of License and Application for Approval of Lease

AUGUST 23, 1977.

Public notice is hereby given that an application was filed on June 6, 1977, under the Federal Power Act, 16 U.S.C. §§ 791a–825r, for transfer of license by the Economic Development Corporation of Augusta (Transferor) and Augusta Development Corporation (Transferee) (Correspondence to: Irving Isaacson, Esq., Brann and Isaacson, 140 Lisbon Street, Lewiston, Maine) for Project No. 2389 located on the Kennebec River in the City of Augusta, Kennebec County, Maine.

Also contained in the application was a request for approval of a lease to the Edwards Manufacturing Co., Inc. of the project facilities.

Project No. 2389 consists of a 1,200-acre reservoir, a 917-foot long dam, intake works, a canal, penstock and three power stations with a total installed capacity of 3,500 kW. The electric power generated at the project is used in operating textile machinery.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 3, 1977, file with the Federal Power Commission, 825 N. Capitol Street N.E., Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 C.F.R. §1.8 or §1.10 (1977). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-25459 Filed 8-31-77;8:45 am]

[Docket No. RP72-140 (PGA77-4)]

GREAT LAKES GAS TRANSMISSION

Proposed Changes in PGA Gas Tariff Under Purchased Gas Adjustment Clause Provisions

AUGUST 23, 1977.

Take notice that Great Lakes Gas Transmission Company (Great Lakes), on August 5, 1977, tendered for filing Twenty-Fourth Revised Sheet No. 57, to its FPC Gas Tariff, First Revised Volume No. 1, proposed to be effective September 21, 1977.

Great Lakes states that its sole supplier of natural gas, Trans-Canada PipeLines Limited (TransCanada), will increase the rates for gas purchased by Great Lakes effective September 21, 1977. The increase is the result of the National Energy Board of Canada's order issued July 7, 1977 amending TransCanada's licenses for the export of natural gas to Great Lakes by establishing that the price to be received for the gas to be exported shall be at a rate of $2.16 in United States currency per Mcf of one thousand British Thermal Units per cubic foot equivalent gas at a temperature of 60 degrees Fahrenheit and a pressure of 14.73 pounds per square inch absolute adjusted on the ratio of the actual BTU content per cubic foot to 1,000 BTU per cubic foot.

Great Lakes also states that copies of this filing have been served upon its customers and the Public Service Commissions of Minnesota, Wisconsin and Michigan.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and

Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 2, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-25456 Filed 8-31-77;8:45 am]

[Docket No. RI77-119]

W. D. GREENSHIELDS AND W. D. GREENSHIELDS, INC.

Petition for Special Relief

AUGUST 23, 1977.

Take notice that on August 1, 1977, W. D. Greenshields and W. D. Greenshields, Inc. (Petitioner), P.O. Box 630 Ponca City, Oklahoma 74601, filed a petition for special relief in Docket No. RI77-119, pursuant to Section 2.76 of the Commission's Rules of Practice and Procedure.

Petitioner seeks authorization to charge $1.44 per Mcf for gas sold to Cities Service Gas Company from stripper wells located in Payne County, Oklahoma. Petitioner states that unless the requested increase from $.67 and $1.02 per Mfc to $1.44 per Mfc is granted, further gathering, compressing and delivering of gas would be uneconomical.

Any person desiring to be heard or to make any protest with reference to said petition should on or before September 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 Procedure (18 C.F.R. 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-25462 Filed 8-31-77;8:45 am]

[Docket Nos. CS69-102, et al.]

HOLLY CORP., ET AL.

Applications for "Small Producer" Certificates[1]

AUGUST 23, 1977.

Take notice that each of the Applicants listed herein has filed an application pursuant to Section 7(c) of the Natural Gas Act and Section 157.40 of the Regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before September 22, 1977, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in acordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

Docket No.	Date filed	Applicant
CS69-102	Aug. 9,1977	Holly Corp., 2909 Republic, National Bank Tower, Dallas, Tex.
CS76-457	June 13,1977	Frank D. Gorham, Jr., P.O. Box 451, Albuquerque, N. Mex. 87103.
CS77-594	June 6,1977	Jack D. Hodgen Operating Co., Inc., 1108 Bass Bldg., Enid, Okla. 73701.
CS77-595	June 8,1977	Columbia Drilling Co., 2626 Richmond, suite B, Houston, Tex. 77098.
CS77-596	June 9,1977	Virgil Beagles, P.O. Box 2167, Roswell, N. Mex. 88201.
CS77-597	.....do.....	Bobby R. Baldock, P.O. Box 550, Roswell, N. Mex. 88201.
CS77-598	.....do.....	A. D. Solsbery, P.O. Box 801, Roswell, N. Mex. 88201.
CS77-599	.....do.....	Natural Gas Operations, P.O. Box 788, Duncan, Okla. 73533.
CS77-600	.....do.....	Gladys Sketch, 3541 Dimond Ave., No. 7, Oakland, Calif. 94601.
CS77-601	June 10,1977	J. E. McAnally, 403 Juanita, Carlsbad, N. Mex. 88220.
CS77-602	.....do.....	Reliable Energy Co., 4725 West Quincy, Denver, Colo. 80236.
CS77-657	July 1,1977	Jean C. James, 407 Lion Oil Bldg., El Dorado, Ark. 71730.
CS77-658	.....do.....	D. R. James, Jr., 407 Lion Bldg., El Dorado, Ark. 71730.
CS77-659	.....do.....	Jean C. James, Trust No. 1, 407 Lion Bldg., El Dorado, Ark. 71730.
CS77-726	Aug. 1,1977	James T. Cliburn, 1600 Broadway, suite 430, Denver, Colo. 80202.
CS77-728	Aug. 8,1977	Howard I. Mason, 1221 Rocky River Rd., Houston, Tex. 77050.
CS77-729	.....do.....	Michael Sanders Shearn, 3101 Fort Blvd., El Paso, Tex. 79930.
CS77-730	.....do.....	C. J. Scott, 10318 Willowgrove, Houston, Tex. 77035
CS77-731	.....do.....	Frank W. Harrison, Jr., P.O. Box 51943 OCS, Lafayette, La. 70505.
CS77-733	.....do.....	Robert C. Pettit, 1100 Milam Bldg., suite 680, Houston, Tex. 77002.
CS77-734	.....do.....	Harry Dillon Hodges, Box 60, Ames, Okla.
CS77-735	.....do.....	Edwin C. Meredith, 101 Iroquois Dr., Marietta, Ohio 45750.
CS77-736	Aug. 12,1977	Centurion Oil & Gas Corp., P.O. Box 1463, Midland, Tex. 79702.
CS77-737	.....do.....	Edward R. Hudson and William A. Hudson, 1000 First National Bldg., Fort Worth, Tex. 76102.
CS77-738	.....do.....	Clyde E. Thompson, 712 Denver Center Bldg., Denver, Colo. 80203.
CS77-739	Aug. 15,1977	Jerry B. Brammer, 5724 Walla, Fort Worth, Tex. 76133.
CS77-740	Aug. 12,1977	Ellwood Foundation and The Ellwood Corp., 2500 First City National Bank Bldg., Houston, Tex. 77002.
CS77-741	Aug. 15,1977	Edward R. Hudson, Jr. and William A. Hudson, II, 1000 First National Bldg., Fort Worth, Tex. 76102.
CS77-742	.....do.....	Davis Energy, Inc., 500 McFarlin Bldg., Tulsa, Okla. 74103.
CS77-743	.....do.....	Aaron and Taylor Pauy, P.O. Box 32, Cameron, W. Va.
CS77-744	.....do.....	Shasta Minerals, Inc. et al. 500 Southwest Tower, Houston, Tex. 77002
CS77-745	.....do.....	Bank of Oklahoma, Jeanette R. Fleeger, Trust Bank of Oklahoma, P.O. Box 2300, Tulsa, Okla. 74102.
CS77-746	.....do.....	Graham Energy Corp., 5301 North Causeway Blvd., Metairie, La. 70002.
CS77-747	.....do.....	Doran & Associates, Inc., 733 Washington Rd., Pittsburgh, Pa. 15228
CS77-748	.....do.....	Frank B. Adams, 716 Wilson Bldg., Corpus Christi, Tex. 78476.
CS77-749	.....do.....	Astin Corp., 2639 Walnut Hill Lane, Suite 129, Dallas, Tex. 75229.
CS77-750	.....do.....	John P. Lockridge, 712 Denver Center Bldg., Denver, Colo. 80203.
CS77-751	Aug. 16,1977	Arden Oil Corp., 1200 Wall Towers West, Midland, Tex. 79702.

[FR Doc.77-25449 Filed 8-31-77;8:45 am]

[Docket No. CP70-22]

MICHIGAN WISCONSIN PIPE LINE CO.

Petition To Amend

AUGUST 23, 1977.

Take notice that on August 15, 1977, Michigan Wisconsin Pipe Line Company (Petitioner), One Woodward Avenue, Detroit, Michigan 48226, filed in Docket

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

No. CP70–22 a petition to amend the Commission's order of April 30, 1970, as amended, issued in the instant docket (43 FPC 635), pursuant to Section 3 of the Natural Gas Act so as to authorize the continued importation of natural gas from Canada at an increase import rate of $2.16 (United States) per Mcf effective September 21, 1977, all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

Petitioner indicates that pursuant to the Commission's Opinion No. 577 and order issued April 30, 197, it was authorized to import 50,000 Mcf of Canadian natural gas per day from TransCanada Pipe-Lines Limited (TransCanada) at a point on the International Boundary near Emerson, Manitoba.

Petitioner states that pursuant to the Commission's order of September 9, 1976, in the instant docket, it is presently authorized to import gas from Canada at the rate of $1.94 (Canadian) per Mcf. It is stated that on June 23, 1977, the Canadian Minister of Energy, Mines and Resources announced that the price of Canadian natural gas exported to the United States would be further increased from the present $1.94 (Canadian) per Mcf to $2.16 (United States) per Mcf effective September 23, 1977, and that the National Energy Board of Canada's Order No. A0–7–GL–38 affirmed that increase to be effective September 21, 1977.

Petitioner states that the gas it imports from Canada forms a vital portion of its gas supply. In addition to the 50,000 Mcf per day of Canadian gas that it purchases from TransCanada, Petitioner also purchases 271,000 Mcf per day of Canadian gas from Midwestern Gas Transmission Company and 13,000 Mcf per day from Great Lakes Gas Transmission Company, and that in total this represents deliveries of 334,000 Mcf per day, it is said.

Petitioner indicates that it is imperative that this petition for amended import authorization be filed at this time to afford the Commission the maximum possible time before September 21, 1977, to act thereon.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before September 13, 1977 file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary,

[FR Doc.77-25457 Filed 8-31-77;8:45 am]

[Docket No. RP74-100]

NATIONAL FUEL GAS SUPPLY CORP.

Proposed Changes in FPC Gas Tariff

AUGUST 23, 1977.

Take notice that National Fuel Gas Supply Corporation ("National") on August 4, 1977, tendered for filing proposed changes in its FPC Gas Tariff, Original Volume No. 1. The proposed change does not reflect any changes in revenues but only proposes to change the PGA section of National's tariff to provide for tracking future changes in the cost of coke oven gas purchased from Donner-Hanna Coke Corporation.

National states that copies of this filing were served upon the company's jursidictional customers and the regulatory commissions of the States of New York, Ohio and Pennsylvania.

Any person desiring to be heard or to protest said filings should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 1, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-25461 Filed 8-31-77;8:45 am]

[Docket No. CP77-564]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Application

AUGUST 23, 1977.

Take notice that on August 12, 1977, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago Illinois 60603, filed in Docket No. CP77-564 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of certain additional volumes of shrinkage gas to Dorchester Gas Producing Company's (Dorchester) Hooker Gasoline Plant in Texas County, Oklahoma, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that Applicant purchases gas from Dorchester in the Hugoton Field, Texas County, Oklahoma, pursuant to a gas purchase contract dated December 1, 1946, as amended, and that by an amendment dated May 6, 1976, Applicant and Dorchester agreed to amend their contract as follows:

1. To limit Dorchester's removal of hydrocarbons from the gas stream to 25 percent of the Btu's in the gas stream delivered to Dorchester's gasoline plant.

2. To replace the existing price provision, that provides for a 10 percent reduction in price in the event the Btu's in the stream delivered to Applicant fall below 960 Btu's per cubic foot and a 20 percent reduction if the Btu's are delivered at 950 Btu's, with a proportional adjustment in price if the Btu's per cubic feet are more or less than 965 Btu's per cubic foot.

Applicant states that under the current contract, Dorchester must deliver gas at a minimum Btu level of 950 Btu's per cubic foot, and that Dorchester currently delivers gas at an approximate Btu level of 960. If Dorchester were to increase the efficiency of its plant, it could remove approximately 33 percent of the Btu's in the gas stream and still meet the current minimum Btu delivery obligation, it is indicated. It is stated that the amendment sets a limit on processing that would limit shrinkage to 25 percent of the Btu's entering the gasoline plant, and Applicant would receive more Btu's under the amendment than it would if Dorchester exercised its fully processing license under the current contract.

Applicant states that the amendment effectively reduces the downward penalty for delivery of gas at less than 960 Btu's per cubic feet, but Applicant could not benefit from the present price reduction provision as Dorchester would receive less than the minimum price.

Applicant further states that the amendment includes a specifc waiver by Dorchester of its right to receive the minimum price, thus allowing Applicant and its customers to receive the benefit of any downward adjustment, and that in return for Dorchester's waiver, Applicant has agreed to delete the percentage penalties discussed above.

It is stated that the gas delivered under the December 1, 1946 contract is part of approximately 78,000 Mcf per day purchased by Applicant from Dorchester and other sellers in the Hugoton Field, and that the gas purchased by Applicant is transported from the Field by Dorchester to Applicant's Compressor Station No. 101. Applicant states that after receipt at Station 101, Applicant compresses the gas and then transports it approximately 1/5 of a mile through Applicant's 26-inch Hooker lateral to a gasoline plant owned and operated by Dorchester, and Dorchester processes and dehydrates the gas and redelivers the stream to Applicant at the outlet of the gasoline plant.

It is indicated that on June 21, 1977, the Commission issued its "order granting Application to Amend certificate and Making Determination on Petition for Declaratory Order" (June 21 Order) in Docket No. G-4907 and Docket No. CP76-431, which order permitted Dorchester to deliver lower Btu gas to Applicant than provided for in the December 1, 1946 base contract, to the extent necessary to effectuate the Amendment.

Any person desiring to be heard or to make any protest with reference to said application should on or before Septem-

ber 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 Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-25455 Filed 8-31-77;8:45 am]

[Docket No. CP77-563]

OKLAHOMA NATURAL GAS CO.

Application

AUGUST 23, 1977.

Take notice that on August 11, 1977, Oklahoma Natural Gas Company (Applicant), 624 South Boston Avenue, Tulsa, Okla. 74119, filed in Docket No. CP77-563 an application pursuant to Section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of up to 100,000 Mcf of natural gas per day to Natural Gas Pipeline Company of America (Natural) for a one-year period, commencing on the day of first delivery, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant seeks authorization to sell to Natural, pursuant to a gas service agreement dated August 3, 1977, between the two parties, such quantities of gas as Applicant would have available at the outlet of meter stations which are located in Woodward and Custer Counties, Okla., from time to time, over a one-year period. Applicant states that such deliveries would not interfer with its service to its regular customers and deliveries would be suspended or not made if such service is threatened.

It is stated that Natural has advised Applicant that additional volumes of gas are needed on Natural's system to help maintain current levels of deliveries to its existing customers and thereby avoid deeper and unanticipated curtailment.

Applicant indicates that over the one-year period of this contract, it may have volumes of gas which it may be able to make available to Natural without the need to construct or operate any new facilities. The natural gas would be available from Applicant's system supply and would be deliverable at the aforesaid points of interconnection between the two systems. Applicant indicates that it would charge Natural for such gas $2.05 per million Btu's for a term of one year from the date of first delivery.

Applicant states that inasmuch as its gas supply basically is obtained from producers whose sales are not subject to the Commission's regulation, it is necessary that there be no assertion of jurisdiction by the Commission over said producers during the term of this sale. Applicant further states that it is essential to the operation of its system that it be assured that (1) its facilities continue to be exempt from the Commission's regulation; (2) Applicant be relieved from any account and reporting requirements to the Commission other than reporting the volumes sold and the price paid for gas pursuant to the requested certification; (3) the sale be terminated without further action by Applicant and without further order by the Commission one year from the date of first delivery; and (4) any independent producer or other supplier of gas to Applicant remain exempt from the Commission's regulation.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 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 Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-25452 Filed 8-31-77;8:45 am]

[Docket No. ER76-532]

PACIFIC GAS AND ELECTRIC CO.

Further Extension of Time

AUGUST 23, 1977.

On August 11, 1977, the Secretary of the Interior filed a motion for rescheduling of the procedural dates in the above captioned proceeding. The filing and hearing dates were previously extended by notices issued February 28, 1977, and June 2, 1977.

The instant motion requests that the procedural dates either be stayed pending resolution of Pacific Gas and Electric Company's (PG&E) January 31, 1977, Motion for Approval of Settlement Agreement, or that they be extended to such future dates as will permit the Commission to complete consideration of PG&E's Motion and afford all parties sufficient time to make the necessary filings should that Motion be denied. The motion states that all parties to the proceeding and Staff Counsel do not object to the requested relief.

Upon consideration, notice is hereby given that the procedural dates in the above proceeding are modified as follows:

Filing of evidence in answer to PG&E's case-in-chief—October 3, 1977.
Filing of trial briefs by parties answering evidence—October 17, 1977.
Filing of PG&E's rebuttal evidence—October 31, 1977.
Filing of PG&E's trial brief—November 14, 1977.
Hearing—November 28, 1977.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-25454 Filed 8-31-77;8:45 am]

[Docket No. CP70-7, (Phase II)]

SOUTHERN NATURAL GAS CO.

Petition To Amend

AUGUST 23, 1977.

Take notice that on August 12, 1977, Southern Natural Gas Company (Petitioner), P.O. Box 2563, Birmingham, Ala. 35202, filed in Docket No. CP70-7 (Phase II) a petition to amend the Commission's order of October 29, 1969 (42 FPC 944), as amended, issued in the instant docket pursuant to Section 7 of the Natural Gas Act so as to authorize an increase in the contract demand sales of natural gas to Alabama Gas Corporation (Alagasco) to 418,527 Mcf of natural gas per day, the delivery of such additional gas at the delivery point formerly used to serve the Town of Rainbow City,

Ala., and the abandonment of the sales of natural gas to the Town of Rainbow City, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is indicated that pursuant to the Commission's order of October 29, 1969, issued in the instant docket Petitioner was authorized, inter alia, to sell and deliver to Alagasco contract demands aggregating 408,725 Mcf, and that by an amending order issued October 20, 1971, Petitioner was authorized to sell and deliver to Alagasco contract demands aggregating 408,725 Mcf. It is further indicated that in 1974, Alagasco acquired four municipal distribution systems previously served by Petitioner, and that by an amending order issued July 16, 1974, the Commission approved an increase in the aggregate of Alagasco's contract demand to 414,965 Mcf. In 1976, Alagasco again acquired a municipal distribution system previously served by Petitioner, and on July 21, 1976, the Commission authorized an increase in Alagasco's aggregate contract demands to 417,347, it is indicated.

By the aforemention October 29, 1969, order issued in this proceeding, Petitioner was authorized to sell and deliver to The Water Works, Gas and Sewer Board of the Town of Rainbow City, Ala., a maximum delivery obligation of 1,180 Mcf.

Petitioner states that on August 3, 1977, Alagasco petitioned the Alabama Public Service Commission (APSC) for permission to purchase the Rainbow City natural gas system and to accept the assignment of Petitioner's service agreement with The Water Works, Gas and Sewer Board of the Town of Rainbow City.

Consequently Alagasco has requested that Petitioner amend the current service agreement between Petitioner and Alagasco to include therein the proposed changes. Petitioner asserts that the proposed new delivery point with 1,180 Mcf of contract demand would be offset by the elimination of service to the Town of Rainbow City.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before September 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 Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-25453 Filed 8-31-77;8:45 am]

[Docket Nos. CI76-753, CI76-754, and CI76-755]

TENNECO OIL CO., ET AL.

Amended Application for Optional Procedure Certification

AUGUST 22, 1977.

Take notice that on July 18, 1977, Tenneco Oil Company (Tenneco Oil), Tenneco Exploration Ltd. (Exploration I), and Tenneco Exploration II, Ltd. (Exploration II) filed amendments to requests for certification under Section 2.75 respectively in Docket Nos. CI76-753, CI76-754, and CI76-755 for the purchase and sale of natural gas from Eugene Island Block 367, offshore Louisiana, at an initial price of $2.9771 per Mcf with 5 cents per Mcf annual escalations, or an increase from the application filed November 18, 1976, at an initial price of $2.8037 per Mcf with 5 cents per Mcf annual escalations. The filings under Section 2.75 on November 18, 1976, amended its September 3, 1976 applications for a certificate of public convenience and necessity filed pursuant to Section 2.56a.

The subject gas would be produced by Tenneco Exploration, Ltd. and Tenneco Exploration II, Ltd. and sold to Tenneco Oil for resale to Tennessee Gas Pipeline Company, less one-fourth (¼), which amount Tenneco Oil proposes to transport onshore for its own uses.

Any person desiring to be heard or to make any protest with reference to said petition should on or before September 12, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commision's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-25404 Filed 8-31-77;8:45 am]

[Docket Nos. RP73-94, (PGA77-3a)]

VALLEY GAS TRANSMISSION, INC.

Purchased Gas Cost Adjustment Filing

AUGUST 23, 1977.

Valley Gas Transmission, Inc. ("Valley"), on August 5, 1977, submitted for filing as part of its PFC Gas Tariff Original Volume No. 1, its proposed Substitute Eleventh Revised Sheet No. 2A. The proposed effective date is July 1, 1977.

Valley states that the Tariff Sheet is filed pursuant to its Purchased Gas Cost Adjustment Provision. The proposed changes involve Valley's "Current Gas Cost Adjustment." The adjustments are supported by computations attached to the filing.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 2, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of the filing are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-25460 Filed 8-31-77;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-322]

LONG ISLAND LIGHTING CO. (SHOREHAM NUCLEAR POWER STATION, UNIT 1)

Order

In a telephone conference call held August 24, 1977, the Board was advised that the petitioner Suffolk County did not receive the Board's Order of August 1, 1977, until last week. That Order granted Suffolk County leave to file an amended petition within thirty days from the date of service. Petitioner Suffolk County requests that the time to file an amended petition be extended to September 16, 1977. That request is granted.

The special prehearing conference which has been set down for September 26, 1977, is postponed until October 18, 1977, to be held at 1:00 p.m., in the Port Jefferson Village Hall, 121 West Broadway (Route 25A), Port Jefferson, Long Island, New York.

Dated this 25th day of August 1977, At Bethesda, Maryland.

For the Atomic Safety and Licensing Board.

JOHN M. FRYSIAK,
Chairman.

[FR Doc.77-25263 Filed 8-31-77;8:45 am]

[Docket No. STN 50-546 and STN 50-547]

PUBLIC SERVICE CO. OF INDIANA, INC., ET AL.

Issuance of Limited Work Authorization

Pursuant to the provisions of 10 CFR 50.10 (e) (1) and (2) of the Nuclear Regulatory Commission's (Commission) regulations, the Commission has authorized the Public Service Company of Indiana, Inc. on behalf of itself and the Wabash Valley Power Association to conduct certain site activities in connection with the Marble Hill Nuclear Generating Station, Units 1 and 2, prior to a decision regarding the issuance of construction permits.

The activities that are authorized are within the scope of those authorized by 10 CFR 50.10(e) (1), and include the fol-

lowing: site preparation, land clearing, grading and excavation for plant facilities; construction of 138 KV line from existing transmission line for construction power, and installation of on-site distribution system; installation of condensate storage tanks, water wells, water distribution system, concrete batch plant; installation of fire pumphouse and pumps, temporary and portions of permanent outdoor fire protection systems; construction of dike for settling pond, warehouses, site fencing, construction buildings, parking lot, on-site service roads, on-site railroad sidings and spurs; construction of 10½ mile rail spur to Nabb, Indiana, including a railroad bridge; and construction of temporary concrete ring foundations needed for containment liner assembly.

Any activities undertaken pursuant to this authorization are entirely at the risk of the applicants, and the grant of the authorization has no bearing on the issuance of construction permits with respect to the requirements of the Atomic Energy Act of 1954, as amended, and rules, regulations, or orders promulgated pursuant thereto.

A partial initial decision on matters relating to the National Environmental Policy Act and site suitability from the standpoint of radiological health and safety was issued by the Atomic Safety and Licensing Board in the above captioned proceeding on August 22, 1977. A copy of (1) the Partial Initial Decision; (2) the applicants' Preliminary Safety Analysis Report and amendments thereto; (3) the applicants' Environmental Report and amendments thereto; (4) the staff's Final Environmental Statement dated September 1976; (5) the staff's Site Suitability Report dated July 1976; and (6) the Commission's letter of authorization dated August 24, 1977 are available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. and the Madison-Jefferson County Public Library, 420 West Main Street, Madison, Ind.

Dated at Bethesda, Md., this 24th day of August 1977.

For the Nuclear Regulatory Commission.

RICHARD S. CLEVELAND,
Acting Chief, Environmental Projects, Branch No. 1, Division of Site Safety, and Environmental Analysis.

[FR Doc.77-25264 Filed 8-31-77;8:45 am]

[Docket Nos. STN 50-546, 50-547]

PUBLIC SERVICE CO. OF INDIANA, INC. (MARBLE HILL NUCLEAR GENERATING STATION, UNITS 1 AND 2)

Evidentiary Hearing on Health and Safety Issues

An evidentiary hearing on health and safety issues will be held at the Madison-Jefferson County Public Library, 420 West Main Street, Madison, Indiana. The hearing will begin at 1:00 p.m. (local time) on September 26, 1977. It is anticipated that it will continue throughout the week.

With the withdrawal of the Louisville Water Company, renumbered Contention No. 12 is no longer an issue, but the Board will expect both Applicants and Staff to have witnesses available on this subject in case the Board has questions. Renumbered Contention No. 13 (City of Madison and Jefferson County, Ky.) will be litigated.

The public is invited to attend. Limited appearance statements will be called for at the commencement of the proceeding from those members of the public who did not give a statement at the prior proceeding. Oral statements will be limited to five (5) minutes each, but a written statement without limitation on length may be submitted to the Board.

It is so ordered.

Dated at Bethesda, Maryland this 24th day of August, 1977.

For the Atomic Safety and Licensing Board.

ELIZABETH S. BOWERS,
Chairman.

[Docket No. 50-312]

SACRAMENTO MUNICIPAL UTILITY DISTRICT

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 12 to Facility Operating License No. DPR-54, issued to Sacramento Municipal Utility District (the licensee), which revised Technical Specifications for operation of the Rancho Seco Nuclear Generating Station (the facility) located in Sacramento County, California. The amendment is effective as of its date of issuance.

The amendment makes minor changes in Sections 3.3, 4.1 and 5.41 of Appendix A, removes pages from Section 4.10 of Appendix A that are already in Appendix B, corrects a typographical error in Section 2.5.c of Appendix B, and clarifies Section 2.6.2.E of Appendix B.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated June 21, 1977, (2) Amendment No. 12 to License No. DPR-54, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Business and Municipal Department, Sacramento City-County Library, 828 I Street, Sacramento, California. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 18th day of August 1977.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.

[FR Doc.77-25266 Filed 8-31-77;8:45 am]

[Docket No. 50-363]

JERSEY CENTRAL POWER & LIGHT CO., FORKED RIVER NUCLEAR GENERATING STATION, UNIT 1

Receipt of Application for Amendment to Construction Permit

The U.S. Nuclear Regulatory Commission (the Commission) has received an application for amendment to construction permit for Forked River Nuclear Generating Station, Unit 1 (Forked River), located in Ocean County, New Jersey. Jersey Central Power & Light Company is presently the sole owner of Forked River. By this application, Jersey Central Power & Light Company (Jersey Central), Metropolitan Edison Company (Met-Ed), and Pennsylvania Electric Company (Penelec), each of which is a wholly-owned operating subsidiary of General Public Utilities Corporation, request an amendment to Construction Permit No. CPPR-96 adding Met-Ed and Penelec as co-owners of Forked River. Jersey Central will retain exclusive responsibility for the design, construction and operation of Forked River.

Prior to issuance of the proposed amendment, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended, and the Commission's rules and regulations.

For further details with respect to this action, see the application for amendment dated March 29, 1977, which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Ocean County Library, Brick Township Branch, Brick Town, N.J. 08723.

Dated at Bethesda, Md., this 26th days of August, 1977.

For the Nuclear Regulatory Commission.

STEVEN A. VARGA,
Chief, Light Water Reactor Branch 4, Division of Project Management.

[FR Doc.77-25398 Filed 8-31-77;8:45 am]

[Docket No. 50-585]

GENERAL ATOMIC CO.

Application for and Commission Consideration of Issuance of Facility Export License

Please take notice that General Atomic Company, San Diego, California, has submitted to the Nuclear Regulatory Commission an application for a license to authorize the export of a TRIGA Mark II pool-type research reactor with a thermal power level of 1000 kilowatts to Bangladesh and that the issuance of such license is under consideration by the Nuclear Regulatory Commission.

No license authorizing the proposed reactor export will be issued until the Nuclear Regulatory Commission determines that such export is within the scope of and consistent with the terms of an applicable agreement for cooperation arranged pursuant to Section 123 of the Atomic Energy Act of 1954, as amended (Act), nor until the Nuclear Regulatory Commission has found that:

(a) The application complies with the requirements of the Act, and the Commission's regulations set forth in 10 CFR, Chapter 1, and

(b) The reactor proposed to be exported is a utilization facility as defined in said Act and regulations.

Unless on or before October 3, 1977, a request for a hearing is filed with the Nuclear Regulatory Commission by the applicant, or a petition for leave to intervene is filed by any person whose interest may be affected by the proceeding, the Director of the Office of International Programs may, upon the determinations and findings noted above, cause to be issued to General Atomic Company a facility export license and may cause to be published in the FEDERAL REGISTER a notice of issuance of the license.

A copy of the application is on file in the Nuclear Regulatory Commission's Public Document Room located at 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md. this 4th day of August, 1977.

For the Nuclear Regulatory Commission.

MICHAEL A. GUHIN,
Assistant Director, Export Import and International Safeguards, Office of International Programs.

[FR Doc.77-25399 Filed 8-31-77;8:45 am]

[Docket No. 50-315]

INDIANA AND MICHIGAN ELECTRIC CO., INDIANA AND MICHIGAN POWER CO.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 21 to Facility Operating License No. DPR-58, issued to Indiana and Michigan Electric Company and Indiana and Michigan Power Company (the licensees), which revised the Technical Specifications for operation of the Donald C. Cook Nuclear Plant Unit No. 1 (the facility), located in Berrien County, Mich. The amendment is effective as of the date of its issuance.

The amendment changed the Appendix B Technical Specifications to delete the requirement to limit the rate of temperature change of circulating water discharged to Lake Michigan and to eliminate inconsistencies between the Appendix A and Appendix B Technical Specifications for the facility.

The applications for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4), a environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of the amendment.

For further details with respect to this action, see (1) the October 24, 1975 and May 13, 1977 applications for amendment and supplement dated February 18, 1977, and (2) Amendment No. 21 to License No. DPR-58. Both of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Maude Preston Palenske Memorial Library, 500 Market Street, St. Joseph, Mich. 49085. A single copy of item (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating reactors.

Dated at Bethesda, Md., this 18th day of August 1977.

For the Nuclear Regulatory Commission.

PAUL W. O'CONNOR,
Acting Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.

[FR Doc.77-25400 Filed 8-31-77;8:45 am]

[Docket No. 50-62]

UNIVERSITY OF VIRGINIA

Proposed Renewal of Facility Operating License

The Nuclear Regulatory Commission (the Commission) is considering renewal of Facility Operating License No. R-66 issued to University of Virginia (the licensee), for operation of the University of Virginia Reactor (UVAR) located on the campus of the University of Virginia in Charlottesville, Va.

The renewal would extend the expiration date of Facility Operating License No. R-66 to September 13, 1997, in accordance with the Licensee's application for renewal, dated March 9, 1977.

Prior to renewal of Facility Operating License No. R-66, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's rules and regulations.

By October 3, 1977, the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the proposed renewal of the subject facility operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of Section 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioners' contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER Notice and Section 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

A petition for leave to intervene must be accomplished by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the application for amendment dated March 9, 1977, which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md. this 25th day of August 1977.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc.77-25401 Filed 8-31-77;8:45 am]

[Docket No. 40-8502]

WYOMING MINERAL CORP., IRIGARAY PROJECT, JOHNSON COUNTY, WYOMING

Availability of Applicant's Environmental Report

Pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in 10 CFR Part 51, Wyoming Mineral Corporation has filed an environmental report, transmitted by letter dated July 29, 1977, in support of their application for a license to receive, possess, use and transfer source material in the course of production-scale uranium solution mining activities on the Irigaray Property in Johnson County, Wyoming. The report, which discusses environmental considerations related to the proposed operation, is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555. Copies of the report are also being made available at the State Clearinghouse, State Planning Coordinator, Office of the Governor, Capitol Building, Cheyenne, Wyo. 82001.

After the environmental report has been analyzed by the staff, a draft environmental statement will be prepared. Upon preparation of the draft environmental statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft statement, with a request for comments from interested persons on the draft statement. The summary notice will also contain a statement to the effect that comments of Federal agencies and State and Local officials will be made available when received. Upon consideration of comments submitted with respect to the draft environmental statement, the staff will prepare a final environmental statement, the availability of which will be published in the FEDERAL REGISTER.

Dated at Silver Spring, Md., this 25th day of August, 1977.

For the Nuclear Regulatory Commission.

LELAND C. ROUSE,
Chief, Fuel Processing and Fabrication Branch, Division of Fuel Cycle and Material Safety.

[FR Doc.77-25402 Filed 8-31-77;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON THE PILGRIM NUCLEAR STATION, UNIT NO. 2

Meeting

In accordance with the purposes of sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the ACRS Subcommittee on the Pilgrim Nuclear Station, Unit No. 2, will hold a meeting on September 22, 1977, at the Ramada Inn, 225 McClellan Highway, Boston, Mass. 02128. The purpose of this meeting is to continue the review of the application of the Boston Edison Company for a permit to construct Unit No. 2 of the Pilgrim Nuclear Station.

The agenda for subject meeting shall be as follows: Thursday, September 22, 1977, 8:30 a.m. until conclusion of business.

The subcommittee may meet in open Executive Session, with any of its consultants who may be present, to explore and exchange their preliminary opinions regarding matters which should be considered during the meeting and to formulate a report and recommendations to the full Committee.

At the conclusion of the Executive Session, the subcommittee will meet in an open session ot hear presentations by and hold discussions with representatives of the NRC Staff, the Boston Edison Company, and their consultants, pertinent to this review.

At the conclusion of these sessions, the subcommittee may caucus in an open session to determine whether the matters identified in the Executive Sessions have been adequately covered and whether the project is ready for review by the full committee.

In addition, it may be necessary for the subcommittee to hold one or more closed sessions for the purpose of exploring matters involving proprietary information. I have determined, in accordance with subsection 10(d) of Public Law 92-463, that, should such sessions be required, it is necessary to close these sessions to protect proprietary information (5 U.S.C. 552 b (c) (4)).

Practical considerations may dictate alterations in the above agenda or schedule. The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business, including provisions to carry over an incompleted session from one day to the next.

The Advisory Committee on Reactor Safeguards is an independent group established by Congress to review and report on each application for a construction permit and on each application for an operating license for a reactor facility and on certain other nuclear safety matters. The committee's reports become a part of the public record. Although ACRS meetings are ordinarily open to the public and provide for oral or written statements to be considered as a part of the committee's information gathering procedure concerning the health and safety of the public, they are not adjudicatory type hearings such as are conducted by the Nuclear Regulatory Commission's Atomic Safety and Licensing Board as part of the Commission's licensing process. ACRS meetings do not normally treat matters pertaining to environmental impacts outside the radiological safety area.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda may do so by providing 15 copies to the Subcommittee at the beginning of the meeting. Comments should be limited to safety related areas within the committee's purview.

Persons desiring to mail written comments may do so by sending a copy thereof in time for consideration at this meeting. Comments postmarked no later than September 15, 1977, addressed to Mr. Gary R. Quittschreiber, ACRS, NRC, Washington, D.C. 20555, will normally be received in time to be considered at this meeting.

Background information concerning items to be considered at this meeting can be found in documents on file and available for public inspection at the NRC Public Document Room, 1717 H Street NW., Wash., D.C. 20555, and at the Plymouth Public Library, North Street, Plymouth, Mass. 02360.

(b) Persons desiring to make an oral statement at the meeting should make a request to do so prior to the meeting, identifying the topics and desired presentation time so that appropriate arrangements can be made. The subcomittee will receive oral statements on topics relevant to its purview at an appropriate time chosen by the Chairman.

(c) Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call on September 21, 1977 to the Office of the Executive Director of the committee (telephone 202-634-1374, Attn: Mr. Gary R. Quittschreiber) between 8:15 a.m. and 5:00 p.m. e.d.t.

(d) Questions may be asked only by members of the subcommittee, its consultants, and Staff.

(e) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will be allowed while the meeting is in session at the discretion of the Chairman to a degree that is not disruptive to the meeting. When use of such equipment is permitted, appropriate measures will be taken to protect proprietary or privileged information which may be in documents, folders, etc., being used during the meeting. Recordings will be permitted only during those sessions of the meeting when a transcript is being kept.

(f) Persons with agreements or orders permitting access to proprietary information may attend portions of ACRS meetings where this material is being discussed upon confirmation that such agreements are effective and relate to the material being discussed.

The Executive Director of the ACRS should be informed of such an agreement

at least three working days prior to the meeting so that the agreement can be confirmed and a determination can be made regardingthe applicability of the agreement to the material that will be discussed during the meeting. Minimum information provided should include information regarding the date of the agreement, the scope of material included in the agreement, the project or projects involved, and the names and titles of the persons signing the agreement. Additional information may be requested to identify the specific agreement involved. A copy of the executed agreement should be provided to Mr. Gary R. Quittschreiber, of the ACRS office, prior to the beginning of the meeting.

(g) A copy of the transcript of the open portion(s) of the meeting where factual information is presented and a copy of the minutes of the meeting will be available for inspection on or after September 29 and December 22, 1977, respectively, at the NRC Public Document Room, 1717 H Street NW., Washington, D.C. 20555 and at the Plymouth Public Library, North Street, Plymouth, Mass. 02360.

Copies may be obtained upon payment of appropriate charges.

Dated: August 29, 1977.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc.77-25615 Filed 8-31-77;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS, NUCLEAR REGULATORY COMMISSION

Revised Notice of Meeting

The meeting notice for the meeting to be held on September 8–10, 1977, in Room 1046, 1717 H Street, NW., Washington, D.C., is revised as detailed below. This revision adds a discussion of the regional tectonics of the Pacific-Northwest area and is necessary since review of the tectonic situation applicable to the Skagit Nuclear Plant impacts on other reactors, including operating facilities, in the Pacific Northwest area.

Thursday, September 8, 1977, 1:00–1:30 p.m.: Executive Session (Open)—The Committee will hear and discuss the report of the ACRS Subcommittee and consultants who may be present related to the seismic and geologic features of the Skagit Nuclear Power Project and the regional tectonics of the Pacific-Northwest area. Portions of this session will be closed if necessary to discuss Proprietary Information applicable to this project.

1:30 p.m.–4:00 p.m.: Regional Tectonics Applicable to the Skagit Nuclear Power Project Site and the Pacific-Northwest Area (Open)—The Committee will hear presentations by and hold discussions with representatives of the NRC Staff, the U.S. Geological Survey, and their consultants, related to seismic and geologic considerations applicable to the proposed site for the Skagit Nuclear Power Project and the Pacific-Northwest region. Portions of this session will be closed if required to discuss Proprietary Information related to this facility.

Friday, September 9, 1977, 5:30 p.m.–6:30 p.m.: Executive Session (Open/Closed)—The Committee will discuss its proposed report to the Nuclear Regulatory Commission on the San Joaquin Nuclear Project. Portions of this session will be closed as required to protect Proprietary Information and matters involved in NRC adjudicatory proceedings.

Dated: August 29, 1977.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc.77-25618 Filed 8-31-77;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS, WORKING GROUP NO. 2 OF THE SUBCOMMITTEE ON REACTOR SAFETY RESEARCH AND THE REACTOR FUEL SUBCOMMITTEE

Meeting

In accordance with the purposes of Sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), Working Group No. 2 of the ACRS Subcommittee on Reactor Safety Research and the Reactor Fuel Subcommittee will hold a joint meeting on September 22–23, 1977 at the Le Baron Hotel, 1350 N. First Street, San Jose, CA 95112. The purpose of this meeting is to discuss water reactor safety research and development pertaining to fuel behavior and materials and metallurgy, and to discuss improved fuel concepts for boiling water reactors.

The agenda for subject meeting shall be as follows:

Thursday, September 22, and Friday, September 23, 1977, 8:30 a.m. until conclusion of business each day. The Working Group and Subcommittee may meet in open Executive Session, with any of their consultants who may be present, to explore their preliminary opinions regarding matters which should be considered in order to formulate a report and recommendations to the full Committee.

At the conclusion of the Executive Session, the Working Group and the Subcommittee will meet in open session to hear presentations by and to hold discussions with representatives of the NRC Staff and their consultants, and with representatives of the General Electric Company and the Electric Power Research Institute.

At the conclusion of these sessions, the Working Group and the Subcommittee may caucus in an open session to determine whether the matters identified in the initial session have been adequately covered and to decide whether additional meetings of the Working Group and/or Subcommittee are necessary.

In addition, it may be necessary for the Working Group and the Subcommittee to hold one or more closed sessions for the purpose of exploring matters involving proprietary information. I have determined, in accordance with Subsection 10(d) of Public Law 92–463, that, should such sessions be required, it is necessary to close these sessions to protect proprietary information (5 U.S.C. 552b(c)(4)).

Practicable considerations may dictate alterations in the above agenda or schedule. The Chairman of the meeting is empowered to conduct it in a manner that, in his judgment, will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

The Advisory Committee on Reactor Safeguards is an independent group established by Congress to review and report on each application for a construction permit and on each application for an operating license for a reactor facility and on certain other nuclear safety matters. The Committee's reports become a part of the public record. Although ACRS meetings are ordinarily open to the public and provide for oral or written statements to be considered as a part of the Committee's information gathering procedure concerning the health and safety of the public, they are not adjudicatory type hearings such as are conducted by the Nuclear Regulatory Commission's Atomic Safety & Licensing Board as part of the Commission's licensing process. ACRS meetings do not normally treat matters pertaining to environmental impacts outside the radiological safety area.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda may do so by providing 15 copies to the Working Group at the beginning of the meeting. Comments should be limited to safety related areas within the Committee's purview.

Persons desiring to mail written comments may do so by sending a copy thereof in time for consideration at this meeting. Comments postmarked no later than September 15, 1977 to Mr. Thomas G. McCreless, ACRS, NRC, Washington, DC 20555, will normally be received in time to be considered at this meeting.

(b) Persons desiring to make an oral statement at the meeting should make a request to do so prior to the beginning of the meeting, identifying the topics and desired presentation time so that appropriate arrangements can be made. The Working Group and the Subcommittee will receive oral statements on topics relevant to their purview at an appropriate time chosen by the Chairman of the meeting.

(c) Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call on September 21, 1977 to the Office of the Executive Director of the Committee (telephone 202/634-1374, Attn: Mr. Thomas G. McCreless) between 8:15 a.m. and 5:00 p.m. EDT.

(d) Questions may be asked only by members of the Working Group, the Subcommittee, their consultants, and the Staff.

(e) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will be allowed while the meeting is in session at the discretion of the Chairman to a degree that is not disruptive to the meeting. When use of such equipment is permitted, appropriate measures will be taken to protect proprietary or privileged information which may be in documents, folders, etc. being used during the meeting. Recordings will be permitted only during those sessions of the meeting when a transcript is being kept.

(f) Persons with agreements or order permitting access to proprietary information may attend portions of ACRS meetings where this material is being discussed upon confirmation that such agreements are effective and relate to the material being discussed.

The Executive Director of the ACRS should be informed of such an agreement at least three working days prior to the meeting so that the agreement can be confirmed and a determination can be made regarding the applicability of the agreement to the material that will be discussed during the meeting. Minimum information provided should include information regarding the date of the agreement, the scope of material included in the agreement, the project or projects involved, and the names and titles of the persons signing the agreement. Additional information may be requested to identify the specific agreement involved. A copy of the executed agreement should be provided to Mr. Thomas G. McCreless, of the ACRS Office, prior to the beginning of the meeting.

(g) A copy of the transcript of the open portion(s) of the meeting where factual information is presented and a copy of the minutes of the meeting will be available for inspection on or after September 30 and December 23, 1977, respectively, at the NRC Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555.

Copies may be obtained upon payment of appropriate charges.

Dated: August 29, 1977.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc.77-25619 Filed 8-31-77;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS, WORKING GROUP NO. 5 OF THE SUBCOMMITTEE ON REACTOR SAFETY RESEARCH

Meeting

In accordance with the purposes of Sections 29 and 182b. of the Atomic En-

Sections 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), Working Group No. 5 of the ACRS Subcommittee on Reactor Safety Research will hold a meeting on September 20, 1977 in Room 1167, 1717 H Street NW., Washington, DC 20555. The purpose of this meeting is to review various research activities in support of fuel cycle development, including health and environmental aspects and safeguarding special nuclear materials.

The agenda for the subject meeting shall be as follows:

Tuesday, September 20, 1977, 8:30 a.m. until conclusion of business—The Working Group may meet in open Executive Session, with any of its consultants who may be present, to explore their preliminary opinions regarding matters which should be considered in order to formulate a report and recommendations to the full Committee.

At the conclusion of the Executive Session, the Working Group will meet in open session to hear presentations by and to hold discussions with representatives of the NRC Staff, their consultants, and with representatives of other organizations participating in safety research in the above areas.

At the conclusion of these sessions, the Working Group may caucus in an open session to determine whether the matters identified in the initial session have been adequately covered and whether the project is ready for review by the full Committee.

In addition, it may be necessary for the Working Group to hold one or more closed sessions for the purpose of exploring matters involving proprietary information. I have determined, in accordance with Subsection 10(d) of Public Law 92-463, that, should such sessions be required, it is necessary to close these sessions to protect proprietary information (5 U.S.C. 552b(c)(4).

Practical considerations may dictate alterations in the above agenda or schedule. The Chairman of the Working Group is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

The Advisory Committee on Reactor Safeguards is an independent group established by Congress to review and report on each application for a construction permit and on each application for an operating license for a reactor facility and on certain other nuclear safety matters. The Committee's reports become a part of the public record. Although ACRS meetings are ordinarily open to the public and provide for oral or written statements to be considered as a part of the Committee's information gathering procedure concerning the health and safety of the public, they are not adjudicatory type hearings such as are conducted by the Nuclear Regulatory Commission's Atomic Safety & Licensing Board as part of the Commission's licensing process. ACRS meetings do not normally treat matters pertaining to environmental impacts outside the radiological safety area.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda may do so by providing a copy to the Working Group at the beginning of the meeting. Comments should be limited to safety related areas within the Committee's purview.

Persons desiring to mail written comments may do so by sending a copy thereof in time for consideration at this meeting. Comments postmarked no later than September 13, 1977 to Mr. John C. McKinley, ACRS, NRC, Washington, DC 20555, will normally be received in time to be considered at this meeting.

(b) Persons desiring to make an oral statement at the meeting should make a request to do so prior to the beginning of the meeting, identifying the topics and desired presentation time so that appropriate arrangements can be made. The Working Group will receive oral statements on topics relevant to its purview at an appropriate time chosen by the Chairman.

(c) Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call on September 19, 1977 to the Office of the Executive Director of the Committee (telephone 202/634-1371, Attn: Mr. John C. McKinley) between 8:15 a.m. and 5:00 p.m. EDT.

(d) Questions may be asked only by members of the Working Group, its consultants, and the Staff.

(e) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will be allowed while the meeting is in session at the discretion of the Chairman to a degree that is not disruptive to the meeting. When use of such equipment is permitted, appropriate measures will be taken to protect proprietary or privileged information which may be in documents, folders, etc. being used during the meeting. Recordings will be permitted only during those sessions of the meeting when a transcript is being kept.

Persons with agreements or orders permitting access to propriety information may attend portions of ACRS meetings where this material is being discussed upon confirmation that such agreements are effective and relate to the material being discussed.

The Executive Director of the ACRS should be informed of such an agreement at least three working days prior to the meeting so that the agreement can be confirmed and a determination can be made regarding the applicability of the agreement to the material that will be discussed during the meeting. Minimum information provided should include information regarding the date of the

agreement, the scope of material included in the agreement, the project or projects involved, and the names and titles of the persons signing the agreement. Additional information may be requested to identify the specific agreement involved. A copy of the executed agreement should be provided to Mr. John C. McKinley, of the ACRS Office, prior to the beginning of the meeting.

(g) A copy of the transcript of the open portion(s) of the meeting where factual information is presented and a copy of the minutes of the meeting will be available for inspection on or after September 27 and December 20, 1977, respectively, at the NRC Public Document Room, 1717 H Street, NW., Washington, D.C. 20555.

Copies may be obtained upon payment of appropriate charges.

Dated: August 29, 1977.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc.77-25616 Filed 8-31-77;8:45 am]

[Docket No. 50-245]

NORTHEAST NUCLEAR ENERGY CO., ET AL.

Granting of Relief From ASME Section XI Inservice Inspection (Testing) Requirements

The U.S. Nuclear Regulatory Commission (the Commission) has granted relief from certain requirements of the ASME Code, Section XI, "Rules for Inservice Inspection of Nuclear Power Plant Components" to Northeast Nuclear Energy Company, The Hartford Electric Light Company, Western Massachusetts Electric Company and Connecticut Light and Power Company. The relief relates to the inservice inspection (testing) program for the Millstone Nuclear Power Station, Unit No. 1 (the facility), located in Waterford, Conn. The ASME Code requirements are incorporated by reference into the Commission's rules and regulations in 10 CFR Part 50. The relief is effective as of its date of issuance.

The relief consists of (1) exemption from examination of inaccessible vessel and piping welds, (2) exemption from testing certain valves and measuring pump parameters, and (3) exceptions to hydrostatic testing requirements.

The request for relief complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the letter granting relief. Prior public notice of this action was not required since the granting of this relief from ASME Code requirements does not involve a significant hazards consideration.

The Commission has determined that the granting of this relief will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with this action.

For further details with respect to this action, see (1) the request for relief dated May 27, 1977, (2) the Commission's letter to the licensee dated August 26, 1977.

These items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Waterford Public Library, Rope Ferry Road, Route 156, Waterford, Conn. A copy of item (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 26th day of August 1977.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc.77-25622 Filed 8-31-77;8:45 am]

[Docket No. 50-312]

SACRAMENTO MUNICIPAL UTILITY DISTRICT

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 13 to Facility Operating License No. DPR-54 issued to Sacramento Municipal Utility District, which revised Technical Specifications for operation of the Rancho Seco Nuclear Generating Station, located in Sacramento County, Calif. The amendment is effective as of its date of issuance.

The amendment to the Technical Specifications incorporates provisions for steam generator tube inspection to be consistent with the guidance contained in Regulatory Guide 1.83, Revision 1, dated July 1975.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated November 26, 1976, as revised June 21, 1977, (2) Amendment No. 13 to License No. DPR-54, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Business & Municipal Department, Sacramento City-County Library, 828 I Street, Sacramento, Calif. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 23rd day of August, 1977.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.

[FR Doc.77-25624 Filed 8-31-77;8:45 am]

[Docket No. 50-266]

WISCONSIN ELECTRIC POWER CO. AND WISCONSIN MICHIGAN POWER CO.

Granting of Relief From ASME Section XI Inservice Inspection (Testing) Requirements

The U.S. Nuclear Regulatory Commission (the Commission) has granted relief from certain requirements of the ASME Code, Section XI, "Rules for Inservice Inspection of Nuclear Power Plant Components" to Wisconsin Electric Power Company and Wisconsin Michigan Power Company. The relief relates to the inservice inspection (testing) program for the Point Beach Unit No. 1 (the facility) located in Two Creeks, Wis. The ASME Code requirements are incorporate by reference into the Commission's rules and regulations in 10 CFR Part 50. The relief is effective as of its date of issuance

The relief consists of exemption from the requirements for measuring certain parameters in the Pump and Valve Testing Program and from performing certain pressure vessel weld inspections in the Inservice Inspection Testing Program.

The request for relief complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the letter granting relief. Prior public notice of this action was not required since the granting of this relief from ASME Code requirements does not involve a significant hazards consideration.

The Commission has determined that the granting of this relief will not result in any significant environmental impact

and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with this action.

For further details with respect to this action, see (1) the request for relief dated May 20, 1977, (2) the Commission's letter to the licensee dated August 26, 1977.

These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Document Department—University of Wisconsin, Stevens Point Library, Attn: Mr. Arthur M. Fish, Stevens Point, Wis. 54481. A copy of item (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 26th day of August 1977.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc.77-25623 Filed 8-31-77;8:45 am]

[Docket No. P-564A]

PACIFIC GAS AND ELECTRIC CO. (STANISLAUS NUCLEAR PROJECT, UNIT 1)

Amended Notice and Order for Conference With Counsel Regarding Discovery

AUGUST 26, 1977.

Due to a conflict with religious observances, and at the request of all counsel, the previously-entered notice and order of August 24, 1977 for a conference with counsel in connection with discovery matters is hereby amended.

The Board will hold a conference with all counsel regarding discovery objections and procedures in San Francisco, Calif. on September 8-9, 1977. This conference will commence at 9:30 a.m. at the U.S. Customs House, 555 Battery Street, Room 102, San Francisco, Calif. 94102.

Any briefs or other papers which counsel desire to file in advance of the conference should be in the hands of the members of the Board on or before September 6, 1977.

It is so ordered.

For the Atomic Safety and Licensing Board.

Dated at Bethesda, Md. this 26th day of August 1977.

MARSHALL E. MILLER,
Chairman.

[FR Doc.77-25621 Filed 8-31-77;8:45 am]

STATE WORKSHOPS FOR REVIEW OF NRC HIGH LEVEL WASTE

Repository Site Suitability Criteria

The disposal of high-level nuclear wastes is one of the most important issues now facing Federal energy agencies. The U.S. Energy Research and Development Administration (ERDA) [1] has been authorized by the Congress to develop repositories for high-level wastes and its schedule calls for an operational facility by 1985. The U.S. Nuclear Regulatory Commission (NRC) has licensing and regulatory authority over ERDA repositories, including authority to set siting criteria which ERDA repositories would be required to meet prior to NRC licensing.

NRC plans to develop criteria on which to judge whether a proposed site for a geologic repository is suitable, i.e., is capable of containing radionuclides for periods of time adequate to protect the public health and safety and the environment. Environment in this regard can be taken in a broad sense as including not only impact on biota, but socio-economic impacts as well. The initial technical analysis has been performed and preliminary criteria have been developed. NRC is now analyzing and assessing the impacts of those criteria.

To aid in its analysis and assessment, NRC is planning three independent reviews of the site suitability criteria development effort as early as possible: a peer review by experts outside of NRC; a review by the National Academy of Sciences; and a review by State officials. All three reviews are intended to assure (1) that no important relevant factor has been missed in the analysis; (2) that the analysis is sound; and (3) that the criteria are both understandable and capable of application.

For State review, NRC is holding three regional workshops (Eastern, Central, and Western United States) to discuss the preliminary site suitability criteria. The governors and legislative leadership of each State have been invited to send representatives to participate in one of the three workshops. Information developed at the workshops will be considered in the criteria development effort prior to completing the draft environmental impact statement.

The two-day workshops have been scheduled for the last two weeks in September. They will provide, prior to formal publication of the criteria, a means of including State officials' views in the siting criteria development process at an early stage.

The report resulting from each workshop will be part of the documentation used in NRC's deliberations in preparing draft site suitability criteria. These draft criteria, fully supported by a draft environmental impact statement, will be published for comment in early 1978.

The workshop locations and dates are as follows:

Western: September 19 to 21, Stouffer's Denver Inn, 3203 Quebec Street, Denver, Colo.

Central: September 25 to 27, Fontainebleau Motor Hotel, 4040 Tulane Avenue, New Orleans, La.

Eastern: September 28 to 30, Holiday Inn Center City, 18th and Market Street, Philadelphia, Pa.

These workshops are being held to obtain the views of, and to provide the opportunity for discussion among, State officials; however, all sessions will be open to public attendance and observation. Reports of the workshops will be filed in the NRC Public Document Room.

Persons who wish further information about these workshops or who wish to observe should write Dr. Herbert Kress, Workshop Director, Potomac Research, Incorporated (PRI), 7655 Old Springhouse Road, Westgate Research Park, McLean, Va. 22101, or call (703) 790-5363, extension 394, giving name, address and phone number.

Copies of "Workshop Material for State Review of Site Suitability Criteria for High Level Waste Repositories" (NUREG-0326) will be available from the National Technical Information Services, Springfield, Va. 22161, on or about September 19, 1977 at current prices. Single copies are available to the extent of supply from the Office of State Programs, Nuclear Regulatory Commission, Washington, D.C. 20555.

Dated at Bethesda, Md. this 26th day of August 1977.

For the Nuclear Regulatory Commission.

ROBERT T. JASKE,
Acting Director, Office of State Programs.

[FR Doc.77-25620 Filed 8-31-77;8:45 am]

[1] The functions of ERDA were transferred to the new Department of Energy by the Department of Energy Organization Act, Pub. L. 95-91, 91 Stat. 565 (1977).

NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 77-35]

SAFETY RECOMMENDATIONS AND RESPONSES

Availability and Receipt

Highway Safety Recommendations H-77-9 and H-77-10.—A Federal Government effort to develop a uniform system of rail-highway grade crossing warning devices which would better attract the attention of motorists to approaching trains is urged by the National Transportation Safety Board. The recommendations resulted from investigation of the August 8, 1976, grade crossing collision at Stratton, Nebr. A minister and eight of the 16 children he was driving to Sunday School in a church-owned bus were killed at Stratton's Beaver Avenue crossing when struck by a Burlington Northern freight train.

Investigation revealed that the train, travelling at 57 mph, struck the rear of the bus when it approached and entered the crossing without slowing or stopping. The impact tore the body of the bus from its chassis and ejected all but one of its occupants. All eight of the survivors were injured.

The driver of the bus was familiar with the crossing which was protected by a crossbuck, a wigwag signal, and a bell.

The warning devices were activated as the train approached the crossing. A witness stated that the wigwag signal was working and that the bell was ringing. He also heard the train horn and saw the two fixed headlights illuminated on the approaching locomotive.

The circumstances of this accident clearly indicate that in spite of the operations of the wigwag signal and the train horn, and the illumination of the locomotive headlights, the busdriver was not alerted to the approching train. It also demonstrates that this crossing poses a serious hazard to the inattentive driver. Accident data show that a majority of those involved in grade crossing accidents are familiar with the crossing and, in spite of the driver's perception of a potential hazard at the crossing, a habit of inattention is formed after repeated crossings without the presence of a train. Something more is needed to attract the attention of these motorists to the hazard.

Accordingly, the Safety Board on August 23 recommended that the Federal Highway Administration and the Federal Railroad Administration:

Combine efforts to develop and implement a uniform system of warnings to attract the attention of motor vehicle drivers approaching railroad/highway grade crossings. (Class III, Longer Term Followup) (H-77-9).

In a separate letter forwarded August 23 to the Mayor of Stratton, Nebraska, the Safety Board recommended that the city of Stratton:

In cooperation with the Burlington Northern Railroad, Inc., install an improved railroad/highway grade crossing protection system on Beaver Avenue in accordance with the *Recommended Practices of the Association of American Railroads (1974)*. (Class II, Priority Followup) (H-77-10).

The Safety Board advised the Mayor of Stratton that because of the important role of this crossing in the local transportation system, the volume of traffic using the crossing, and the obsolescence of the current wigwag system, the crosing should be protected by an improved, attention-getting warning system. The Board suggested that one such system that might be considered is the traffic-activated highway traffic light signal. Motorists are familiar with the signal, observed compliance by motorists is excellent, violations are enforceable, and they would be no more expensive to install, operate, and maintain than flashing lights. The device would display a red signal only when a train was approching, and it could be activated in the same manner as current electrically operated control devices.

A formal report on the investigation of the Stratton accident will be made available by the Safety Board within the next few weeks.

Pipeline Safety Recommendations P-77-18 through 20.—Three Class I, urgent followup, recommendations were issued by the Safety Board on August 22 to the Cherokee Water and Gas Board of Cherokee, Ala. The recommendations were made as a result of the ongoing investigation into the low-order gas explosion, followed by fire, which destroyed a house in Cherokee on July 30, 1977. One person in the house suffered third-degree burns, was hospitalized, and died on August 3.

Investigation of the accident indicates that natural gas, leaking from a broken 2¼-inch cast-iron gas main, migrated into the house via a recently backfilled sewer trench and was ignited by a cigarette lighter. The sewer laterals were perpendicular to and below the gas main. Earth settlement of the sewer backfill, aided by recent heavy rainfall, caused the failure of the cast-iron main, which was owned by the Cherokee Water and Gas Board (Cherokee).

The Safety Board finds that Cherokee previously has experienced cast-iron gas main failures due to earth settlement over its recently installed sewers; the potential for additional failures may exist where segments of its cast-iron gas mains have been disturbed by sewer construction and have been left unsupported.

Federal regulations (49 CFR 192.755) regarding protection of cast-iron pipelines require that when an operator has knowledge that the support for a segment of a buried cast-iron pipeline is disturbed by earth movement, that segment of the pipeline must be protected, as necessary, against damage. As soon as feasible, permanent protection must be provided for the disturbed segment from damage that might result from external loads.

Additionally, 49 CFR 192.721—Distribution systems; patrolling, states:

(a) The frequency of patrolling mains must be determined by the severity of the conditions which could cause failure or leakage, and the consequent hazards to public safety.

(b) Mains in places or on structures where anticipated physical movement or external loading could cause failure or leakage must be patrolled at intervals not exceeding 3 months.

Apparently, Cherokee did not take these protective actions when it first became aware of the earth settlement problem. Accordingly, the Safety Board now recommends that Cherokee:

Require, during the remainder of its sewer construction program and all future construction programs, the support and protection of its cast-iron gas mains in accordance with Federal regulations and in a manner acceptable to the Alabama Public Service Commission. (P-77-18).

Examine, support, and protect where necessary, in accordance with Federal regulations and in a manner acceptable to the Alabama Public Service Commission, those segments of cast-iron gas mains that have been disturbed already by this sewer construction project. (P-77-19).

Immediately begin to patrol its gas distribution system as frequently as necessary while the potential exists for gas main failure due to settlement. (P-77-20).

RESPONSES TO SAFETY RECOMMENDATIONS

Aviation: A-77-26 through 29.—Federal Aviation Administration letter of August 10 is in response to recommendations issued during the Safety Board's investigation of the Texas International Airlines accident at Denver, Colo., last November 16. (See 42 FR 28194, June 2, 1977.) The recommendations concern: The emergency evacuation training of all DC-9 operators, specifically with regard to operation of the tail cone exit (A-77-26); the dissemination of safety information, developed as a result of accident experience, to principal air carrier inspectors and operators of similar equipment and assurance of their compliance with related directives (A-77-27); issuance of an Air Carrier Operations Bulletin clarifying the designation of the DC-9 tail cone exit as a required exit and requiring that passengers are informed of the availability and operation of the tail cone exit in an emergency (A-77-28); and issuance of an Airworthiness Directive to require that an emergency light source be located close to the DC-9 tail cone release handle, or that the handle be self-illuminating (A-77-29).

In answer, FAA reports that the flight attendant training program has been changed to require hands-on training on all emergency exits, including the tail cone exit. Also, the Texas International Airlines (TXI) recurrent training program was revised this year to include hands-on training in emergency lighting conditions in operating the tail cone exit. This is in addition to training in the mockup and observation of a Douglas Aircraft Co. film on operating the tail cone exit. All TXI flight attendants had completed the revised recurrent training by May 1977, FAA reported.

ACOB 8-7-46, Crewmember Emergency Training, provides guidance to FAA field personnel as specified in 14 CFR 121.417(c)(2) and (4), according to FAA. Inspections of air carrier flight attendant training programs were conducted last January and all were found in compliance with 14 CFR 121.417.

FAA reports that Notice of Proposed Rulemaking 77-12, published July 21 at 42 FR 37417 as a result of the FAA Operations Review Conference, specifies that initial and recurrent training for each crewmember will be required on each type of aircraft in which they serve. Actual operation of emergency exits, fire extinguishers, and oxygen bottles are included, as are instructions on the additional forces which will be encountered due to unusual cabin deck angle, high wings, and structural deformation.

FAA's procedure for timely issuance of instructions to field and regional offices relating to safety in air carrier operations includes immediate notification by telegram. Less urgent matters are handled by ACOB's. A followup system to provide regions and headquarters with feedback concerning industry actions is used when appropriate. FAA also requires a review of accident information in training programs.

On March 7 FAA regional offices were notified that the tail cone exit on all models of the Douglas DC-9 is a required exit. They were asked to ensure that assigned carriers include reference to the exit in oral briefings and on passen-

ger information cards as required by 14 CFR 121.571. And with reference to A–77–29, FAA considers that the emergency lighting conditions in proximity to the release handle are adequate.

Marine: M–74–31.—U.S. Coast Guard letter of August 10 concerns the requirement that all operators of chemical tank vessels be required to maintain updated operating manuals aboard each ship showing the proper operation of the piping system for anticipated transfer operations. This recommendation was made by the Safety Board following investigation into the death of three ship's officers on board the *SS William T. Steele* at Guayanilla, Puerto Rico, November 18, 1972.

Coast Guard reports publication of a rulemaking proposal May 9 at 42 FR 23517. The Safety Board has concurred in this proposal; see 42 FR 28196, June 2, 1977.

Pipeline: P–77–9 through 12.—National Fuel Gas Distribution Corp. responded August 5 to Safety Board recommendations issued following investigation into the death of two gas company servicemen last March 26 in Buffalo, N.Y. The men were asphyxiated from carbon monoxide inhalation after they entered a manhole to check out a gas leak. (See 42 FR 33392, June 30, 1977.)

National Fuel Gas Distribution Corp. reports, re P–77–9, that as of August 5 all appropriate operating personnel have been retrained in the established procedures for working in vaults and manholes, and, re P–77–10 through 12, that the 12-inch diameter gas main involved in the Buffalo accident was shut down on the date of the accident and has remained out of service. Recently a decision was reached to permanently abandon this line.

SAFETY BOARD COMMENTS ON COAST GUARD'S PROPOSED RULEMAKING

On August 22 the Safety Board forwarded to the U.S. Coast Guard comments on NPRM CGD 77–063, Improved Emergency Steering Standards for Oil Tankers, which was published May 16 at 42 FR 24869. The Safety Board generally supports the proposal to amend 33 CFR 157, Rules for Tank Vessels Carrying Oil in Bulk.

Commenting on the proposed revision to 33 CFR 157.20, the Board believes that an alarm to indicate failure of the rudder to respond to input orders of the helm is an excellent concept to use in an effort to reduce the risks of accidents. The Board believes, however, that such an alarm with a designed 30-second delay feature could be detrimental to safety.

The Board believes that all new vessels and existing vessels that undergo major alterations should be required to have, in addition to the proposed rudder-error alarm, the indicator and alarm systems currently proposed in the revision to 46 CFR 111.93–11, subject to Board comments of August 4 regarding that rulemaking in docket CGD 74–125, published June 24 at 42 FR 40793, August 11, 1977, for Board comments.) In addition to its comments regarding that rulemaking, the Board also recommended on August 4 in a separate letter to the Coast Guard that both locations —the pilothouse and main machinery control station—be required. The Board believes that the pilot lights and the curcuit breaker alarms at both locations should be added to the requirements in section 33 CFR 157.20. The recommendations issued August 4 to the Coast Guard, Nos. M–77–8 through 14, resulted from investigation into the collision last February 24 of the SS *Marine Floridian* with the Benjamin Harrison Bridge near Hopewell, Va.

Commenting on proposed revisions to 33 CFR 157.20a, the Board believes that all new vessels should be required to be fitted with two steering gear control systems with the characteristics proposed in paragraph (b) (1) of this section. Those steering gear control systems and power systems should be designed so that one action of the control switch in the pilothouse will automatically activate either system and operate all the ancillary devices necessary to provide torque to the rudder stock, tiller, or quadrant, as proposed in Board comments regarding section 111.93–7(e) (2) of the proposal to revise 46 CFR Subchapter J (CGD 74–125).

The Board further believes that vessels of 1,600 or more gross tons in restricted or congested waters should be required to have two steering systems with pilothouse switching or be required to man the emergency steering station in order to regain rudder movement at the earliest possible time.

Regardless of which method is used to comply with section 157.20a—redundant control systems or manning—the Board believes that explicit instructions for changing steering controls should be posed in the pilothouse, steering gear spaces, and emergency steering stations.

The feasibility of requiring the operation of both units of an electrohydraulic steering system simultaneously should be determined, as the Board recommended in the *Marine Floridian* case, and if such operation is found to be safe, a requirement should be established to operate both in restricted or congested waters.

Finally, with reference to improved steering gear standards, the Safety Board's August 22 letter reiterates *Marine Floridian* recommendations M–77–10 and M–77–12.

NOTE.—The above notice consists of summaries of safety recommendation letters issued by the Safety Board and other correspondence relating to recommendations made available, and responses to recommendations received, during the week preceding publication of this notice in the FEDERAL REGISTER. The recommendation letters in their entirety are available to the general public; single copies are obtainable without charge. Copies of the full text of responses to recommendations and other Board correspondence may be obtained at a cost of $4.00 for service and 10¢ per page for reproduction. All requests must be in writing, identified by the recommendation number and date of publication of this notice. Address inquiries to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

(Secs. 304(a) (2) and 307 of the Independent Safety Board Act of 1974 (Pub. L. 93–633, 88 Stat. 2169, 2172 (49 U.S.C. 1903, 1906)).)

MARGARET L. FISHER,
Federal Register Liaison Officer.

AUGUST 29, 1977.

[FR Doc.77–25609 Filed 8–31–77;8:45 am]

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

WORKING GROUP ON BASIC RESEARCH IN THE DEPARTMENT OF DEFENSE

Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, the Office of Science and Technology Policy announces the following meeting:

NAME: Working Group on Basic Research in the Department of Defense.

DATE: November 3 and 4, 1977.

TIME: 9:00 a.m. to 4:00 p.m.

PLACE: Room 3104, New Executive Office Building, 17th and Pennsylvania Avenue, NW., Washington, D.C. 20500

TYPE OF MEETING: Open.

CONTACT PERSON:
Dr. William P. Raney, Executive Office of the President, Office of Science and Technology Policy, Washington, D.C. 20500, telephone 202—395–3934.

SUMMARY MINUTES: May be obtained from the Office of Science and Technology Policy, Washington, D.C. 20500.

PURPOSE OF ADVISORY COMMITTEE: The Office of Science and Technology Policy is conducting a study which will lead to the formulation of policy governing the performance of basic research by or for the mission agencies. Under the guidance of the Steering Committee on Basic Research in the DOD is to examine the policies and procedures and research programs of that agency for adequacy and balance between near-term and long-term technical objectives.

AGENDA: 9:00 a.m. to 4:00 p.m. Planning meeting to discuss detailed objectives of the study, methods of approach, and work schedule and assignments.

WILLIAM MONTGOMERY,
Executive Officer.

[FR Doc.77–25606 Filed 8–31–77;8:45 am]

OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

[DOC 301–12]

THROWN SILK

Public Hearings on Proposed Action

Pursuant to Section 301(e) (1) of the Trade Act of 1974, regulations of the Office of the Special Representative for Trade Negotiations (STR) (Title 15 CFR 2006.5) and Executive Order No. 11846, the Section 301 Committee solicited public views on a proposed action in the

form of quotas and/or increased duties against imports of silk mufflers, scarves, shawls, veils and handkerchiefs from Japan. Those public views were solicited in a notice published in the FEDERAL REGISTER of July 13, 1977, at page 36040.

By letter dated July 27, 1977, the Secretary/Treasurer of the Fashion Accessories Association has requested that a public hearing be held on the proposed action. Such a hearing will be held at 10:00 A.M. on Thursday, September 29, 1977, at the Office of the Special Representative for Trade Negotiations, 1800 G Street NW., Washington, D.C., Room 730. For the purpose of this hearing the scope of products from Japan to be considered for possible quantitative restraint in the form of quotas, and/or increased duties is widened to include (in addition to the silk products listed in the earlier notice) the following products: pig and hog leather, woven fabrics wholly of silk, and marking pens having a wick-like tip of felt or other material, provided for in items 121.50, 337.10, 337.20, 337.30, 337.40, and 760.15 of the Tariff Schedules of the United States Annotated (TSUSA). Imports into the U.S. in 1976 of the items listed above from Japan totaled $9.026 million.

Requests to present oral testimony and accompanying briefs must be received on or before September 22, 1977. Interested persons are advised to refer to the regulations promulgated by the Office of the Special Representative for Trade Negotiations covering procedures to be followed in all Section 301 proceedings (40 FR 39397—August 28, 1975, 15 CFR Ch. 20, Part 2006). Briefs submitted in response to the earlier notice need not be repeated for purposes of this hearing, as they will automatically be made part of the documentation for this hearing. Those who have already submitted briefs may, of course, present a supplemental brief if they wish to address the additional product coverage of this notice.

A. *Submission of Briefs and Requests To Present Oral Testimony*—Requests for oral testimony and submission of written briefs should conform to the procedures set forth in 15 CFR Part 2006.6 and 2006.7 (40 FR 39497—August 28, 1975).

B. *Rebuttal Briefs*—In order to assure parties the opportunity to contest information provided by other interested parties, rebuttal briefs may be filed within 15 days after the close of the hearings.

C. *Attendance at Hearings*—The hearings will be open to the public.

RICHARD R. RIVERS,
Acting Deputy Special Representative for Trade Negotiations.

[FR Doc.77-25428 Filed 8-31-77;8:45 am]

COLOR TELEVISION RECEIVERS

Set forth below is a copy of a letter to the U.S. Customs Service regarding the implementation of an orderly marketing agreement concluded with the Government of Japan on May 20, 1977, effective July 1, 1977, concerning trade in color television receivers. These directives supplement directives given in a June 23, 1977 letter to the U.S. Customs Service which was published in the FEDERAL REGISTER on June 27, 1977 (42 FR 32755).

AUGUST 8, 1977.

HON. ROBERT E. CHASEN,
Commissioner,
U.S. Customs Service,
Department of the Treasury,
Washington, D.C. 20220

DEAR MR. COMMISSIONER: This letter contains additional requests regarding the orderly marketing agreement between the Governments of the United States and Japan on color television receivers and is supplemental to those requests contained in my letter of June 23, 1977. Pursuant to the terms of this agreement and in accordance with Presidential Proclamation 4511 of June 24, 1977, it is requested that you take the additional actions described as follows:

1. With reference to requested action number 3 of my June 23 letter, the wording "the appropriate or correct certification by category" shall be interpreted to mean an original certification with the correct category and quantity by category thereon.

2. Reports should be made to this Office covering the total quantity of units imported within TSUSA 685.2066 and 685.2067 which are certified.

3. The Government of Japan has informed this Office that its consular offices are to be the point of contact for importers who lack the appropriate or correct certification.

This letter will be published in the FEDERAL REGISTER.

Sincerely,

ROBERT S. STRAUSS,
Special Representative for Trade Negotiations.

RICHARD R. RIVERS,
Acting Deputy Special Representative for Trade Negotiations.

[FR Doc.77-25595 Filed 8-31-77;8:45 am]

GENERALIZED SYSTEM OF PREFERENCES (GSP)

Acceptance of Petition for Review of Product Eligibility Under the GSP

Notice is hereby given of acceptance for review of a petition for modification of the list of articles receiving duty-free treatment under the GSP as provided for in Title V of the Trade Act of 1974 (88 Stat. 2066-2071, 19 U.S.C. 2461-2465). This petition indicates the existence of unusual circumstances warranting an immediate review by the Trade Policy Staff Committee (TPSC). The description of the petition is as follows:

1. Tariff Schedules of the United States (TSUS) item number and description—696.50, floating dry docks.

2. Petitioner—Multnoma County Labor Council, AFL-CIO.

3. Action requested—Withdrawal of GSP benefits.

4. Action taken—Petition accepted for review and public hearing scheduled.

All interested parties are invited to submit their views on the requested action to the Chairman of the TPSC, Room 728, 1800 G Street NW., Washington, D.C. 20506. Written comments should be received no later than the close of business September 6, 1977.

Notice of Public Hearing. The TPSC will hold public hearings at the Office of the Special Representative for Trade Negotiations, Room 730, 1800 G Street NW., Washington, D.C. beginning at 10:00 a.m. on Thursday, September 8, 1977, and continuing until all witnesses wishing to appear have been heard.

Requests to present oral testimony. All requests to present oral testimony, and accompanying written briefs, must be received by the Secretary of hte TPSC, Room 728, 1800 G Street NW., Washington, D.C. 20506 (202-395-7201) not later than the close of business Tuesday, September 6, 1977. Requests to present oral testimony should conform to the regulations codified at 15 CFR Chapter XX, Parts 2001-2003, and should contain the name, address, telephone number, and official position of the party making the request and of the party who will present the oral testimony. It is preferable that oral testimony not duplicate written material, but emphasize the main points contained in the briefs or petition.

Written briefs. Briefs should conform to the above cited regulations (15 CFR 2001-2003), should be submitted in 20 copies, and should contain the name and address of the party submitting the brief. Information submitted as business confidential information must contain a nonconfidential summary and must be easily separable from other information.

Public inspection of information. Subject to the regulations of the TPSC, and except for business confidential information, all written materials filed in connection with the hearings will be open to public inspection by appointment at the Office of the TPSC, Room 728, 1800 G

Attendance at the hearings. The hearings will be open to the public.

RICHARD RIVERS,
Acting Deputy Special Trade Representative.

[FR Doc.77-25416 Filed 8-31-77;8:45 am]

RAILROAD RETIREMENT BOARD

RAILROAD UNEMPLOYMENT INSURANCE ACT; BEGINNING OF A "PERIOD OF HIGH UNEMPLOYMENT"

Determination

In accordance with the provisions of section 2(h)(4) of the Railroad Unemployment Insurance Act (45 U.S.C. 352 (h)(4), as amended by section 1(e) of Pub. L. 94-92, the Railroad Retirement Board has determined that a "period of high unemployment" (as defined in section 2(h)(2) of the Act, as amended) shall begin on September 2, 1977. Consequently, extended unemployment benefits under the second proviso of section 2(c) of that Act, as amended by section 1(d)(2) of Pub. L. 94-92, will be payable in registration periods beginning on and after that date.

By authority of the Board.

Dated: August 30, 1977.

ROBERT A. RUSSELL,
Washington Liaison Officer.

[FR Doc.77-25705 Filed 8-31-77;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Release No. 20150, (70-6037)]

ARKANSAS POWER & LIGHT CO.

Proposal To Enter Into Installment Sales Agreements in Connection With the Issuance of Pollution Control Revenue Bonds

AUGUST 26, 1977.

Notice is hereby given that Arkansas Power & Light Company, First National Building, Little Rock, Arkansas 72203, ("AP&L"), a wholly owned subsidiary company of Middle South Utilities, Inc., a registered holding company, has filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating Sections 9(a), 10, and 12(d) of the Act and Rule 44 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

In order to comply with prescribed federal, state and local standards with respect to air and water quality and the disposal of sewage and solid waste it has been and will be necessary to construct certain facilities for pollution control purposes at two 700 MW nominally rated coal fired generating units known as White Bluff Unit Nos. 1 and 2 ("White Bluff Plant") presently under construction in Jefferson County, Arkansas. AP&L has sold a 35% undivided interest in the White Bluff Plant to Arkansas Electric Cooperative Corporation (HCAR No. 20076) and plans to sell a 5% undivided interest in the White Bluff plant to the City of Jonesboro, Arkansas by September 1, 1977. AP&L now proposes to dispose of, and to contract to acquire, its anticipated 60% undivided interest ("Pollution Facilities") in certain of the pollution control facilities at the White Bluff Plant and its 60% undivided interest ("industrial Facilities") in certain machinery, equipment and other facilities at the White Bluff Plant.

In order to effect such transactions, AP&L proposes to enter into two separate installment sale agreements ("Agreements") with Jefferson County, Arkansas ("County"), which will provide for the acquisition, construction and installation of the Pollution Facilities and the Industrial Facilities on behalf of the County. The Agreement relating to the Pollution Facilities will contemplate the issuance by the County under a trust indenture between the County and a trustee of not to exceed $50,000,000 aggregate principal amount of its Pollution Control Revenue Bonds, Series 1977 (Arkansas Power & Light Company Project) ("Pollution Bonds"). The net proceeds of the sale of Pollution Bonds will be used to defray the cost of construction of the Pollution Facilities. The Agreement relating to the Industrial Facilities will contemplate the issuance by the County under a trust indenture between the County and a trustee of $1,000,000 aggregate principal amount of its Industrial Development Revenue Bonds, Series 1977 (Arkansas Power & Light Company Project) ("Industrial Bonds"), the net proceeds of which would be used to defray the cost of construction of the Industrial Facilities. The operative terms and provisions of the two Agreements and the Pollution Bonds and the Industrial Bonds (collectively "Bonds") and the respective indentures ("Indentures") under which they are to be issued will be substantially identical.

The Agreements will provide for the sale of the Facilities by the County to AP&L subject to a lien and security interest retained by the County and the payment by AP&L of the purchase price of the Facilities, together with interest thereon, in semi-annual installments over a term of years. In the Agreements AP&L will assent to the assignment and pledge to the trustees under the Indentures of the rights of the County in the Facilities and of the County's interest in, and of the moneys receivable by the County under, the Agreements, except for certain rights to indemnification and reimbursement of expenses.

The Agreements will further provide that the purchase price of the Facilities payable by AP&L will be such amount as shall be sufficient (together with other moneys held by the trustees under the Indentures and available therefor) to pay the principal of the Bonds as the same becomes due and payable. AP&L under the Agreements will also agree to pay interest on the unpaid balance of the purchase price of the Facilities equal to the premium, if any, and interest on the Bonds. Under the Agreements AP&L will also be obligated to pay (i) the fees and charges of the trustee and any paying agent or agents under the Indentures, (ii) all expenses incurred by the County in connection with its rights and obligations under the Agreements, (iii) all expenses necessarily incurred by the County or the trustees under the Indentures in connection with the transfer or exchange of Bonds and (iv) all other payments which AP&L agrees to pay under the Agreements.

The Agreements will provide that AP&L may at any time prepay all or any portion of the unpaid balance of the purchase price of the Facilities, together with interest thereon, in whole or in part, such payment to be sufficient (together with other moneys held by the trustees under the Indentures and available therefor) to redeem on or after October 1, 1987, a specified principal amount of Bonds in the manner and to the extent provided in the Indentures, including any applicable premium, which will be 3% of the principal amount in the 11th year and which will reduce by ½ of 1% annually thereafter.

The Agreements will also provide that, upon occurrence of certain events relating to the operation of the White Bluff Plant or the Facilities, AP&L may at any time repay the entire unpaid balance of the purchase price of the Facilities together with interest thereon. It will also provide that in the event of certain rulings of the Internal Revenue Service or certain court determinations relating to the taxability of the interest on the Bonds, AP&L shall be obligated to prepay the entire unpaid balance of the purchase price of the Facilities, together with accrued interest. The payments by AP&L in such circumstances shall be sufficient (together with other moneys held by the trustees under the Indentures and available therefor) to pay the principal of all Bonds together with interest accrued or to accrue to the redemption date.

It is proposed that the Bonds will be issued as either serial bonds ("Serial Bonds") or term bonds ("Term Bonds"), or a combination thereof. The Term Bonds will mature not later than 30 years from the first day of the month in which they are initially issued and will be subject to a mandatory cash sinking fund. Serial Bonds, if any, will mature at various times prior to the maturity of the Term Bonds. The effect of the mandatory cash sinking fund of the Term Bonds together with the serial maturities of the Serial Bonds, if any, will be calculated to retire no less than 25% of the aggregate principal amount of the Bonds prior to ultimate maturity on the first day of the month in which the Bonds are issued in the year 2007. The Indentures will provide for the application of such of the proceeds of the Bonds which, after completion of the Facilities, may remain unused for the redemption or purchase of the Bonds, at the direction of AP&L.

In order to provide security for the performance of AP&L's obligations under the Agreements, AP&L will grant to the County a lien on and security interest in ("County Lien") the Facilities. The County will assign the County Lien to the trustees pursuant to the Indentures.

The Agreements will provide that prior to the sale of the Facilities by the County to AP&L, AP&L will convey to the County such portions of the Facilities as have already been constructed or acquired by AP&L, subject to the lien of AP&L's Mortgage and Deed of Trust, dated as of October 1, 1944, made by the Company to Morgan Guaranty Trust Company of New York and John W. Flaherty, as Trustees, as supplemented and amended.

It is contemplated that the Bonds will be sold by the County pursuant to arrangements with a group of underwriters represented by Salomon Brothers, Goldman, Sachs & Co. and Stephens Inc. In accordance with the laws of the State of Arkansas, the interest rate to be borne by the Bonds will be fixed by the County. AP&L will not be party to the underwritten arrangements; however, the Agreements provide that the terms of the Bonds and their sale by the County, shall be satisfactory to AP&L. AP&L understands that interest payable on the Bonds will be exempt from federal income taxes under the provisions of the Internal Revenue Code. AP&L has been advised that the annual interest rates on obligations, interest on which is so tax exempt, historically have been and can be expected at the time of issuance

of the Bonds to be 1% to 2% lower than the rates of obligations of like tenor and comparable quality, interest on which is fully subject to federal income tax.

The fees and expenses to be incurred in connection with the proposed transactions are estimated at $120,000,000, including legal fees of $62,000 and accounting fees of $13,000. AP&L has applied to the Arkansas Public Service Commission in connection with the proposed transactions. It is stated that no other state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than September 16, 1977, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20 (a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-25497 Filed 8-31-77;8:45 am]

[File Nos. 2-52263, (22-8125)]

THE BRITISH PETROLEUM COMPANY LIMITED AND BP PIPELINES INC.

Application and Opportunity for Hearing

AUGUST 24, 1977.

Notice is hereby given that the British Petroleum Company Limited (an English corporation) ("BP") and BP Pipelines Inc. (a Delaware corporation) ("BP Pipelines") have filed an application under clause (ii) of Section 310(b)(1) of the Trust Indenture Act of 1939 (the "Act") for a finding by the Securities and Exchange Commission ("Commission") that the trusteeships of Morgan Guaranty Trust Company of New York (the "Bank") under a certain indenture which is qualified under the Act and under a new indenture which is not qualified under the Act are not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify the Bank from acting as Trustee under such qualified indenture.

Section 310(b) of the Act provides, *inter alia*, that if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest (as defined in the section), it shall within ninety days after ascertaining that it has such conflicting interest either eliminate such conflicting interest or resign. Subsection (1) of this Section provides, with certain exceptions, that a trustee is deemed to have a conflicting interest if it is acting as trustee under another indenture of the same obligor. However, pursuant to clause (ii) of subsection (1), there may be excluded from the operation of this provision another indenture or indentures under which other securities of such obligor are outstanding, if the issuer shall have sustained the burden of proving on application to the Commission, and after opportunity for hearing thereon, that trusteeship under the indentures is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as trustee under any of such indentures.

BP and BP Pipelines allege that:

1. The Bank, as Trustee, has entered into an Indenture dated as of December 1, 1974 (the "1974 Indenture") with Sohio/BP Trans Alaska Pipeline Finance Inc. (which name has since been changed to Sohio/BP Trans Alaska Pipeline Capital Inc.), a Deleware corporation ("Capital"), pursuant to which there has been issued $250,000,000 principal amount of Capital's 9¾% Debentures Due 1999 (the "Capital Debentures"). The 1974 Indenture was filed as Exhibit 4 to Registration Statement No. 2-52263 under the Securities Act of 1933, and such Indenture has been qualified under the Act.

2. Capital is owned by 32.2% by BP Pipelines, a wholly owned subsidiary of BP, and 67.8% by Sohio Pipe Line Company ("Sohio Pipe Line"), a wholly owned subsidiary of The Standard Oil Company ("Sohio"). Simultaneously with the issuance and sale of the Capital Debentures, Capital applied the proceeds thereof to the purchase of a note of BP Pipelines (the "BP Pipelines Note") in a principal amount equal to 32.2% of the Capital Debentures and a note of Sohio Pipe Line in a principal amount equal to 67.8% of the Capital Debentures. The BP Pipelines Note is guaranteed by BP and has been pledged to the Bank, as Trustee under the Capital Indenture, to secure payment of the Capital Debentures. The Capital Debentures are also secured by the pledge of rights under the completion agreement and financing agreement of BP referred to below. BP is obligated with respect to 32.2% in principal amount of the Capital Debentures pursuant to its unsecured guarantee of the BP Pipelines Note and it is also committed under a completion agreement and a financing agreement with BP Pipelines to advance funds sufficient to enable BP Pipelines to pay its share of the construction costs of its interest in the Trans Alaska Pipeline System and all of its financial obligations, including those which relate to the Capital Debentures, as they become due. Sohio is obligated with respect to the remaining 67.8% in principal amount of the Capital Debentures.

3. On July 14, 1977, the City of Valdez, Alaska (the "City") and the Bank, as Trustee, entered into an Indenture dated as of July 1, 1977 (the "1977 Indenture") pursuant to which the City issued $350,000,000 aggregate principal amount of its 6% Marine Terminal Revenue Bonds (Sohio Pipe Line Company and BP Pipelines Inc. Projects) Series A, Due July 1, 2007 (the "Bonds"). The Bonds are being issued to provide funds for the acquisition, construction and equipping of certain docks, wharves and facilities directly related thereto and real property and interests therein constituting a portion of the Trans Alaska Pipeline System Marine Terminal (the "TAPS Marine Terminal") being constructed in Port Valdez in the City. The City has acquired a leasehold interest in a portion of the undivided interest of BP Pipelines in the TAPS Marine Terminal (the "BP Pipelines Project") pursuant to a Lease, dated as of July 1, 1977 (the "BP Pipelines Lease"), between the City and BP Pipelines, and the City has acquired a leasehold interest in a portion of the undivided interest of Sohio Pipe Line in the TAPS Marine Terminal (the "Sohio Pipe Line Project") pursuant to a Lease, dated as of July 1, 1977 (the "Sohio Pipe Line Lease"), between the City and Sohio Pipe Line. The City has subleased the BP Pipelines Project to BP Pipelines pursuant to a Sublease Agreement, dated as of July 1, 1977 (the "BP Pipelines Sublease"), between the City and BP Pipelines, and the City has subleased the Sohio Pipe Line Project to Sohio Pipe Line pursuant to a Sublease Agreement, dated as of July 1, 1977 (the "Sohio Pipe Line Sublease"), between the City and Sohio Pipe Line. The Bonds will be payable from and secured by subrents derived under the BP Pipelines Sublease, which subrents will be sufficient to pay 32.2% of the principal of, premium, if any, and interest on the Bonds, and by subrents derived under the Sohio Pipe Line Sublease, which subrents will be sufficient to pay 67.8% of the principal of, premium, if any, and interest on the Bonds. In addition, pursuant to a Guarantee Agreement, dated as of July 1, 1977 (the "BP Guarantee Agreement"), BP has guaranteed to the Trustee, for the benefit of the holders of the Bonds and of the coupons appertaining thereto, the payment of 32.2% of the principal of, premium, if any, and interest on the Bonds, and pursuant to a Guarantee Agreement, dated as of July 1, 1977, Sohio has guaranteed to the Trustee, for the benefit of the holders of the Bonds

and of the coupons appertaining thereto, the payment of 67.8% of the principal of, premium, if any, and interest on the bonds. The obligations of BP and Sohio under the Guarantee Agreements are several and not joint obligations of BP and Sohio, respectively. The Bonds have not been registered under the Securities Act of 1933 on the basis of the exemption provided by Section 3(a) (2) thereof, and the 1977 Indenture has not been qualified under the Act on the basis of the provisions of Section 304(b) thereof.

4. Under Section 8.09(c) (1) of the 1974 Indenture, the Bank shall not be deemed to have a conflicting interest by reason of acting as Trustee under the 1977 Indenture if BP and BP Pipelines shall have sustained the burden of proving, on application to the Commission and after opportunity for hearing thereon, that the trusteeships under the 1974 Indenture and under the 1977 Indenture are not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify the Bank from acting as Trustee under one of such Indentures.

5. No default has at any time existed under the 1974 Indenture or the 1977 Indenture. BP's obligations in respect of the Capital Debentures and the Bonds are wholly unsecured and rank equally *pari passu*. BP Pipelines' obligations in respect of the Capital Debentures and the Bonds are wholly unsecured and rank equally *pari passu*. The 1974 Indenture (including the BP Pipelines Note Purchase Agreement referred to therein) includes covenants of BP relating to limitations on liens and consolidation, merger and sale, all of which apply to the future. Except for the covenant relating to consolidation, merger and sale, there is no other comparable covenant of BP included in the 1977 Indenture (including the BP Guarantee Agreement). The 1974 Indenture (including the BP Pipelines Note Purchase Agreement referred to therein) includes covenants of BP Pipelines relating to limitations on liens, sale and leaseback transactions and consolidation, merger and sale, all of which apply to the future. Except for the covenant relating to consolidation, merger and sale, there are no comparable covenants of BP Pipelines included in the 1977 Indenture (including the BP Pipelines Lease and BP Pipelines Sublease).

6. Such differences as exist between the 1974 Indenture and the 1977 Indenture are not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify the Bank from acting as Trustee under either of the said Indentures.

BP and BP Pipelines have waived (a) notice of hearing, (b) hearing on the issues raised by said application and (c) all rights to specify procedures under Rule 8(b) of the Commission's Rules of Practice.

For a more detailed account of the matters of fact and law asserted, all persons are referred to said application, which is a public document on file in the offices of the Commission at the Public Reference Room, 1100 L Street NW., Washington, D.C.

Notice is further given that any interested person may, not later than September 15, 1977, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of law or fact raised by such application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. At any time after said date, the Commission may issue an order granting the application, upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest and the interest of investors, unless a hearing is ordered by the Commission.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 77-25498 Filed 8-31-77;8:45 am]

[File No. 1-7040]

FRIGITRONICS, INC.

Application To Withdraw From Listing and Registration

AUGUST 19, 1977.

In the matter of Frigitronics, Inc., common stock, $.10 par value.

The above named issuer has filed an application with the Securities and Exchange Commission pursuant to Section 12(d) of the Securities Exchange Act of 1934 and Rule 12d2-2(d) promulgated thereunder, to withdraw the specified security from listing and registration on the American Stock Exchange, Inc.

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

This security has become listed and registered on the New York Stock Exchange, and the issuer states that it "does not see any particular advantage in the dual trading of its stock inasmuch as trading of such stock on the American Stock Exchange has dwindled to a nominal amount." The issuer also believes "that continued dual listing would no longer serve the purpose of stimulating competition among the market makers of such stock."

The American Stock Exchange, Inc. has not objected to this application.

Any interested person may, on or before September 16, 1977 submit by letter to the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549, facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the Commission for the protection of investors. An order granting the application will be issued after the date mentioned above, on the basis of the application and any other information furnished to the Commission, unless it orders a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-25499 Filed 8-31-77;8:45 am]

[File No. 1-575]

H. W. RICKEL & CO.

Application To Withdraw From Listing and Registration

AUGUST 24, 1977.

In the matter of H. W. Rickel & Co., Common stock, $2.00 par value.

The above named issuer has filed an application with the Securities and Exchange Commission pursuant to Section 12(d) of the Securities Exchange Act of 1934 and Rule 12d2-2(d) promulgated thereunder, to withdraw the specified security from listing and registration on the Boston Stock Exchange, Inc.

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

The issuer has experienced large economic losses and has concluded that it would be in its best interests to have trading concentrated with market makers in the Detroit metropolitan area rather than on the Boston Stock Exchange, Inc.

The Boston Stock Exchange, Inc. has not objected to this application, and the Company will be subject to the reporting requirements under the Securities Exchange Act of 1934.

Any interested person may, on or before September 21, 1977 submit by letter to the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549, facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the Commission for the protection of investors. An order granting the application will be issued after the date mentioned above, on the basis of the application and any other information furnished by the Commission, unless it orders a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-25500 Filed 8-31-77;8:45 am]

[File No. 500-1]

HOLOGRAPHIC DEVELOPMENT CORPORATION OF AMERICA

Suspension of Trading

AUGUST 25, 1977.

It appearing to the Securities and Exchange Commission that the summary

suspension of trading in the securities of Holographic Development Corporation of America being traded on a national securities exchange or otherwise is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities on a national securities exchange or otherwise is suspended, for the period from 10:00 a.m. (EDT) on August 25, 1977 through September 3, 1977.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 77-25501 Filed 8-31-77;8:45am]

[Release No. 9909 (811-2484)]

J. P. CABOT SHORT-TERM FUND, INC.

Filing of Application

AUGUST 24, 1977.

Notice is hereby given that the J. P. Cabot Short-Term Fund, Inc., 104 South Central Avenue, Valley Stream, N.Y. 11580 ("Applicant"), an open-end, nondiversified, management investment company registered under the Investment Company Act of 1940 ("Act"), filed an application on July 25, 1977, pursuant to Section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the facts and representations contained therein, which are summarized below.

Applicant states that it was organized as a Maryland corporation on April 29, 1974 and registered under the Act by filing a Notification of Registration Form N-8A with the Commission on May 1, 1974. It further states that its shareholders on October 22, 1976 voted to adopt a plan of liquidation and dissolution, and that, pursuant to such plan, a liquidating dividend equal to $1.00 per share was paid to its shareholders who had not redeemed prior to that date. Applicant represents that it presently has no assets and no shareholders.

Section 8(f) of the Act provides, in part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the effectiveness of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than September 19, 1977, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-25502 Filed 8-31-77;8:45 am]

[Release No. 20143, (70-5831)]

NATIONAL FUEL GAS CO. AND NATIONAL FUEL GAS SUPPLY CORP.

Proposal To Extend Maturity of a Note of a Subsidiary Held by a Holding Company

AUGUST 25, 1977.

Notice is hereby given that National Fuel Gas Company, 30 Rockefeller Plaza, New York, New York 10020, ("National"), a registered holding company, and its wholly-owned subsidiary, National Fuel Gas Supply Corporation, 308 Seneca Street, Oil City, Pennsylvania 16301, ("Supply") have filed post-effective amendments to an application-declaration previously filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6(a), 7, 9(a), 10, 12(b) and 12(f) of the Act and Rules 43 and 45 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the amended application-declaration, which is summarized below for a complete statement of the proposed transaction.

On May 10, 1976 the Commission issued an order in this matter (HCAR No. 19521) authorizing, among other proposed transactions, National to issue and sell, through December 31, 1976, unsecured short-term notes to The Chase Manhattan Bank, N. A. ("Chase") in a maximum aggregate principal amount of $7,000,000 at any one time outstanding. These notes were to mature no later than twelve months from the date of issue. The proceeds of the sale of such notes have been loaned to certain of National's subsidiaries, including $4,900,000 to Supply, in exchange for notes of those subsidiaries. Pursuant to this authority National issued and sold its twelve month note to Chase on December 31, 1976 and loaned the proceeds to Supply in exchange for Supply's note maturing December 31, 1977. National prepaid its note to Chase on March 28, 1977; Supply's corresponding note to National has not been prepaid. Supply has used the $4,900,000 to develop existing wells to serve as gas storage facilities. Upon receipt of Federal Power Commission authorization for certain related transactions, these facilities will be transferred to National Gas Storage Corporation ("Storage"), a corporation presently being organized as a subsidiary of National, in exchange for the assumption of Supply's $4,900,000 note to National.

National has been informed that the above-mentioned Federal Power Commission authorization regarding Storage will be received before April 1978. Therefore, it is proopsed that the maturity of Supply's $4,900,000 note to National be extended from December 31, 1977 to December 31, 1978. The interest rate and other terms of the note will remain the same. If authorization is received from the Federal Power Commission prior to December 31, 1978 the promissory note will be prepaid upon the completion of the transactions involving Storage.

No special fees, commissions or expenses are anticipated in connection with the consummation of the proposed transaction. It is stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than September 19, 1977, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 77-25503 Filed 8-31-77; 8:45 am]

[Release No. 20149 (70-5915)]

NATIONAL FUEL GAS CO. AND NATIONAL FUEL GAS SUPPLY CORP.

Proposal To Convert Noninterest-Bearing Intrasystem Loan to an Interest-Bearing Loan

AUGUST 26, 1977.

Notice is hereby given that National Fuel Gas Company, 30 Rockefeller Plaza, New York, New York 10020, ("National"), a registered holding company, and a wholly-owned subsidiary, National Fuel Gas Supply Corporation, 308 Seneca Street, Oil City, Pennsylvania 16301, ("Supply"), have filed post-effective amendments to an application-declaration previously filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6(a), 7, 9(a), 10, 12(b) and 12(f) of the Act and Rules 43 and 45 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the amended application-declaration, which is summarized below, for a complete statement of the proposed transaction.

By orders dated November 17, 1976 (HCAR No. 19760), February 14, 1977 (HCAR No. 19882) and March 24, 1977 (HCAR No. 19956) the Commission authorized National to issue and sell debentures and to loan a portion of the proceeds to certain of its subsidiaries. National was authorized to use up to $19,400,000 of the proceeds of the debenture sale to acquire securities of National Gas Storage Company ("Storage"), a corporation presently being organized as a subsidiary of National. The acquisition of Storage's securities by National is dependent upon Federal Power Commission ("FPC") authorization of related transactions involving Storage. Accordingly, National was authorized by this Commission to loan up to $19,400,000 aggregate principal amount to Supply pending receipt of such FPC authorization. The FPC authorization has not yet been obtained and noninterest-bearing loans have been made to Supply for the preliminary development of storage properties which will later be transferred to Storage, for working capital, for the purchase of gas placed in summer storage and for temporary investment.

FPC authorization is not now expected until April 1978; therefore, National and Supply propose that the above-mentioned authority to make loans of the proceeds of National's debenture sale to Supply, pending receipt of the FPC authorization involving Storage, be modified to authorize the loaning or reloaning to Supply of up to $19,400,000 aggregate principal amount at an annual interest rate of 8.7 percent, which is equal to the effective cost of money incurred by National in the issuance of its debentures, namely 8.657 percent, rounded to the next highest multiple of 1/10 of 1 percent. Supply's notes will be prepaid upon the completion of the transactions involving Storage which require FPC approval.

No special and separable fees, commissions and expenses are anticipated in connection with the proposed transaction. It is stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than September 19, 1977, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other section as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-25504 Filed 8-31-77; 8:45 am]

[Release No. 34-13889; File No. SR-NSCC-77-5]

NATIONAL SECURITIES CLEARING CORP.

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on August 5, 1977, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The proposed rule change consists of the agreements governing the interregional interface service of National Securities Clearing Corporation (NSCC). The fees and charges relating thereto (Interface Fees) are set forth in Exhibit No. 1 attached hereto.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The purpose of the proposed rule change is to state agreements pertaining to NSCC's Interregional Interface Service (Interface Service) and the Interface Fees.

NSCC's SCC and ASECC Divisions have each entered into agreements (Interregional Interface Agreements) with Midwest Clearing Corp. (MCC), Pacific Clearing Corp. (PCC) and Stock Clearing Corp. of Philadelphia (SCCP). Members of NSCC's SCC and ASECC Divisions who enter into agreements with NSCC and any of MCC, PCC or SCCP (referred to each as XCC) participate in the interregional interface between the SCC Division or ASECC Division and XCC, pursuant to which all trades (other than mutually agreed upon exceptions for operational or other purposes) whether made on the floor of the New York Stock Exchange, Inc. or the American Stock Exchange, Inc. or in other market places in designated securities, shall be settled through the system of only one of the clearing agencies, as more fully described in Exhibit 3 to NSCC's filing.

The costs and revenues resulting from NSCC's operation of the interfaces for the 12 months ended June 30, 1977 is as follows:

REVENUE AND EXPENSES

	Revenue	Expense[1]	Profit/(loss)
1976:			
July	$30,815	$46,278	($15,463)
August	29,860	53,920	(24,060)
September	35,742	47,302	(11,560)
October	37,121	52,945	(15,824)
November	41,512	51,498	(9,986)
December	61,573	63,433	(1,860)
1977:			
January	65,790	65,921	(131)
February	55,691	54,237	1,457
March	59,592	69,894	(10,302)
April	55,246	57,381	(2,135)
May	56,246	63,045	(6,799)
June	58,639	59,392	(753)
Total	587,860	685,246	(97,386)
Average per month	48,988	57,104	(8,116)
Average per month in 1977	58,534	61,645	(3,111)

[1] This expense includes only facilities management costs and does not include allocation of clearing corporation overhead or clearing corporation financing costs

Reference is made to Exhibit 3 to NSCC's filing for views concerning the appropriateness of the interface fees.

The proposed rule change relates to NSCC's carrying out the purposes of Section 17A of the Securities Exchange Act of 1934 (Act), by fostering cooperation and coordination with persons engaged in the clearance and settlement of securities transactions, removal of impediments to and perfection of the mechanism of a national system for the prompt and accurate clearance and settlement of securities transactions, and linking of clearance and settlement facilities pursuant to Section 17A(a)(1)(D) of the Act.

No comments were received on the proposed rule change.

NSCC perceives no burden on competition as a consequence of the proposed rule change.

On or before October 6, 1977, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before September 22, 1977.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

AUGUST 25, 1977.

GEORGE A. FITZSIMMONS,
Secretary.

NATIONAL SECURITIES CLEARING CORP.
NEW YORK, N.Y., *July 27, 1977.*

JACK NELSON, *President*

To: *NSCC Participants.*
Attention: *Managing Partner/Officer.*
Subject: *Interface Fees.*

When clearing interfaces were first created in New York, it was recognized that the operation of these services would add to clearing corporation costs, but at the same time would provide internal savings to participants who used them. Therefore, National Securities Claring Corp.'s SCC and ASECC Divisions, and their predecessors, have been charging an "Interface Fee" to the specific users who benefited from the service. These fees were based on the number of transactions leaving NSCC's system for settlement at another clearing corporation, or entering NSCC's system for settlement from another clearing corporation, and were set at fifty cents for each round-lot transaction, twenty-five cents for each odd-lot transaction, and twenty cents for each exercise or assignment.

The rationale behind charging fees to user participatnts was simple: the clearing corporation needed to generate revenues which would be approximately equal to the cost of providing the interface service. Furthermore, since both SCC and ASECC Division participants have historically paid the additional expense of other special services provided to them, it was consistent that interface costs should also be borne by those participants who used the service and benefited from it.

As a condition of the Securities and Exchange Commission's January 3, 1977 order approving NSCC's registration as a clearing agency, NSCC is required to offer to operate such interfaces under an agreement wherein the parties to the interfaces would not charge each other for interface movements or charge their participants, either an interface fee or any fee which would operate as an interface fee. This condition was to be satisfied prior to the commencement of consolidated operations.

NSCC's proposed fee schedule, released to interested parties for comment on June 16, 1977, anticipated the elimination of these charges. It had been NSCC's intent to retain the existing interface charges until this revised pricing structure was implemented coincident with the start of consolidated operations. However, other clearing corporations, and their parent exchanges, have asked that these interface fees be eliminated prior to the start-up of a consolidated NSCC operation, because they feel these fees place them at a competitive disadvantage.

The Board of Directors of National Securities Clearing Corp. believes that cooperative action in the movement towards the national clearance and settlement system is a necessity. Accordingly, in the interest of furthering progress towards consolidation, NSCC's Board has determined that it would be appropriate to immediately modify its present interface fee policy. Specifically, on July 25, 1977, NSCC adopted a policy wherein interface fees will not be assessed for transactions settled through an interface when the cooperating clearing corporation does not assess a comparable interface fee nor impose a general fee structure which essentially operates as an interface fee. In those cases where the cooperating clearing corporation does assess such a fee or has a general fee structure which operates as an interface fee, NSCC will maintain its charge but only for those transactions that are similar to the transactions being assessed (either directly or indirectly) by the cooperating clearing corporation.

As a result of this policy revision, the following changes will become effective on August 1, 1977:

1. All interface fees on transactions made between NSCC and Pacific Clearing Corp. will be eliminated.

2. Midwest Clearing Corp. (MCC) presently assesses a fifty cent per side interface fee for transactions compared by MCC which settle at NSCC but does not impose a similar fee for transactions compared at NSCC and settled at MCC. Accordingly, interface fees for trades compared at MCC and settled at NSCC will be eliminated, while interface fees for trades compared at NSCC and settled at MCC will be retained.

3. The general fee structure of Stock Clearing Corp. of Philadelphia (SCCP) imposes full trade recording and settlement charges for transactions compared at SCCP and settled at NSCC, a practice which essentially operates as an interface fee. SCCP does not impose an interface fee on transactions compared at NSCC and settled at SCCP. Accordingly, fees for trades compared at SCCP and settled at NSCC will be eliminated, while interface fees for trades compared at NSCC and settled at SCCP will be retained.

4. Interface fees for exercises and assignments reported to NSCC by Options Clearing Corp. will be eliminated.

If you have any questions on the above, please call Jack Quirke at 212-248-6729.

JACK NELSON.

[FR Doc.77-25508 Filed 8-31-77;8:45 am]

[Release No. 34-13882; File No. SR-NYSE-77-21]

NEW YORK STOCK EXCHANGE, INC.

Self-Regulatory Organizations; Proposed Rule Changes

Pursuant to Section 19(b)(1) of the Securities Exchange act of 1934, 15 U.S.C. 78s (b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on August 1, 1977, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission proposed rule changes as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED AMENDMENTS TO THE CERTIFICATE OF INCORPORATION AND CONSTITUTION

The text of the proposed amendments is attached as Exhibit I.

PURPOSE OF THE PROPOSED AMENDMENTS

The proposed changes would broaden access to the New York Stock Exchange market by enabling all qualified broker/dealers to become Exchange members by:

(1) Paying annual fees of $25,000 for physical presence and the right to establish and maintain facilities on the Floor of the Exchange.

(2) Paying annual fees of $13,500 for electronic order access to the Floor facilities of another member and direct access to the Designated Order Turnaround System.

(3) Paying an annual fee to be determined by the Board of Directors for physical access to the Options Floor facilities for market-making activities.

The number of annual memberships made available will be determined by floor space and facilities limitations as not to interfere with the Exchange's ability to administer its affairs and facilitate transactions in Exchange listed securities on its Floor.

The annual members described above will be entitled to vote in all elections and on all matters except a merger, consolidation, dissolution or final liquidation of the Exchange; or any proposal which would amend any of the rights or limitations of such members; or any proposal which would amend any rights to or participation in the Gratuity Fund. Annual members having only electronic access and persons holding options memberships will have one-half vote on matters for which they are entitled to vote; while annual members with prsical presence on the Floor will have one vote on such matters.

We are mindful of the requirement contained in the 1975 Amendments to the Securities Exchange Act of 1934 that:

"The rules of the exchange assure a fair representation of its members in the selection of its directors and the administration of its affairs * * *"

The Exchange feels fair and good reasons exist for distinguishing among the classes of its members, with respect to the vote that is accorded to each class, as well as the matters upon which each class of member may vote. Included in these reasons are the investment which present members have made in the Exchange in terms of capital, contribution to the development of its market and the smaller investment and risk which the annual member undertakes.

It is our firm belief that the difference between the classes of members should be recognized in determining the

vote to be accorded to them, and that this is accomplished in conformity with the applicable law.

Annual membership fees were computed to achieve an equitable allocation of dues among members. Annual Floor membership dues (payable by annual members with physical presence on the Floor) were determined by linking them to the current replacement value of a membership. This was done by applying member firms' median 1972–1976 pre-tax rate of return on equity capital (18.8%) to a estimated $120,000 NYSE replacement value per membership. Adding the current membership dues of $1,500 and the additional $1,800 fee paid for each member on the Trading Floor (which permanent members will continue to pay) to the return on member equity yielded a total of $25,900. It was decided to round this down to an even $25,000.

The determination of annual dues for electronic order access does not lend itself to the above approach, because there is no way to establish the proportion of membership replacement value allocable to electronic access. Therefore, it was decided that dues for electronic access should be set at a level which would allow the Exchange to recover the cost of regulating annual electronic access members. Although average cost of regulation of future members cannot be determined with great accuracy, estimates put average cost of such regulation as high as $11,000 for the year 1975. Since regulatory costs are primarily payroll and it would probably be well into 1977 before annual membership, if approved, would go into effect, the 1975 estimate was increased by 11%. (This adjustment allows for the annual 7–8% increment in the NYSE's cost per employee.) Thus, 1977 regulatory costs are estimated at $12,200 per electronic access member. The current yearly dues of $1,500 were added to this figure to arrive at $13,500 (rounded down) as the annual payment for electronic access membership.

The proposed amendments would also permit any member holding an equity interest in the Exchange to enter into a contractual arrangement to lease his membership for a specified term of years to a qualified registered broker/dealer. The lessee would be the member under the Exchange Constitution and rules (except for purposes of the Gratuity Fund) and would be regulated accordingly. The lessee would not pay into nor share the benefits of the Gratuity Fund nor could he be elected as a Trustee thereof. All other voting rights of the membership would accrue to the lessee, subject to any proxy stating otherwise. The lessee would not be entitled to receive any distribution of the assets of the Exchange in the event of liquidation, dissolution, or winding-up of the Exchange.

Finally, the proposed amendments contain "housekeeping" changes which are designed to recognize certain differences between equity and non-equity members with regard to the applicability of various Constitutional provisions.

BASIS UNDER THE ACT

(i) The proposed amendments will enable the Exchange to enforce compliance by its non-equity members and lessees of equity holders by defining such persons as members for purposes of Exchange rules regulating its membership.

(ii) The proposed amendments are consistent with Section 6(b)(2) of the Act in that they enable any qualified perons to become Exchange members.

(iii) The amendments are consistent with Section 6(b)(3) of the Act in that they provide for a fair representation of members in the selection of directors and administration of Exchange affairs. As stated hereinabove under Purpose of the Proposed Amendments, the Exchange believes the one-half vote accorded persons holding electronic access and options membership is justified in view of the investment which present members have made in the Exchange in terms of capital, contribution to the development of its market and the smaller investment and risk which the annual member undertakes.

(iv) The proposed amendments are consistent with Section 6(b)(4) of the Act in that they contemplate the equitable allocation of reasonable dues, fees and other charges among members of the Exchange. The method used in arriving at the initial dues to be charged annual Floor members and electronic access members is described in detail in Purpose of the Proposed Amendments hereinabove.

(v) The proposed amendments will increase access to the New York Stock Exchange market and encourage greater participation. The Exchange submits that, in general, such changes tend to remove impediments to the mechanism of a free and open market and are consistent with Section 6(b)(5) of the Act.

(vi) All members and lessees of equity holders will be subject to rules, including disciplinary rules, since all are deemed members.

(vii) Is inapplicable.

(viii) Is inapplicable.

COMMENTS RECEIVED FROM MEMBERS, PARTICIPANTS, OR OTHERS

No comments were solicited or received on the subject amendments.

BURDEN ON COMPETITION

The proposed changes will not impose any burden on competition.

On or before October 6, 1977, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization comments, the Commission will:

(A) By order approve such proposed rule changes, or

(B) Institute proceedings to determine whether the proposed rule changes should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before September 22, 1977.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

AUGUST 22, 1977.

GEORGE A. FITZSIMMONS,
Secretary.

EXHIBIT I

TEXT OF PROPOSED AMENDMENTS

Deleted language in brackets [ ]. New language *italicized*. Words in CAPS are amendments Pending SEC Approval in File No. SR-NYSE-77-21.

PROPOSED AMENDMENTS TO CERTIFICATE OF INCORPORATION

The Certificate of Incorporation shall be amended as follows:

(a) Paragraph 8 of the Certificate of Incorporation providing, among other things, for the election of the Trustees of the Gratuity Fund of the Exchange shall be amended to read as follows:

"8. Individuals or corporate trustees may from time to time be appointed for any funds or other property of the Exchange, including without limitation the funds known as the Gratuity Fund and the Special Trust Fund heretofore established by the Constitution of the Exchange. The trustees of the Gratuity Fund of the Exchange shall consist of the Chairman of the Board of [Governors] *Directors* and six elected trustees, of whom two shall be elected annually for a term of three years by the members of the Exchange entitled to vote for the election of [Governors] *trustees of the Gratuity Fund.* Any vacancy among the six elected trustees of the Gratuity Fund may be filled by the Board of [Governors] *Directors* until the next annual election of the Exchange."

(b) The following new paragraph 13 shall be added to the Certificate of Incorporation:

"13. Members. The classes of membership in the Exchange shall include the regular members, presently fixed by the Constitution of the Exchange at 1366, plus annual members having physical access to the trading floor of the Exchange, annual members having only electronic access to such trading floor, and annual members having physical access to the trading floor of the Exchange to engage in activities as an options market maker. The number, classification, rights (including voting rights), duties and obligations of, and the limitations and restrictions upon, each class of member of the Exchange, shall be as provided herein and in the Constitution of the Exchange and the Rules of its Board of Directors.

"The members of the Exchange other than the regular members thereof shall have no interest in, and no right whatsoever to share

in the distribution of, the assets of the Exchange in the event of any voluntary or involuntary final liquidation, dissolution or winding up of the affairs of the Exchange. In such event, after paying or making provision for the payment of all liabilities of the Exchange, the assets of the Exchange shall be distributed equally among the then existing regular members; provided, however, that in the event a regular member is, at the time of such dissolution, indebted to the Exchange for any unpaid initiation fees, fines, dues, assessments or other fees or charges, he shall nonetheless be entitled to share in the distribution of the assets of the Exchange equally with other regular members but any such arrears shall be deducted by the Exchange from any share to which he may be entitled.

"Neither the consolidation or merger of the Exchange, nor the sale, lease or conveyance of all or a part of its assets shall be deemed a final liquidation, dissolution or winding up of the affairs of the Exchange within the meaning of the foregoing provisions of this Paragraph 13."

PROPOSED AMENDMENTS TO CONSTITUTION

ARTICLE VII

ELECTIONS—EXCHANGE MEETINGS

ANNUAL ELECTION—POSITIONS TO BE FILLED

Sec. 1. A meeting of the members of the Exchange *entitled to vote thereat* shall be held annually for the election of Directors of the Exchange, a Nominating Committee and Trustees of the Gratuity Fund, all as provided in this Article, and for the transaction of any other proper business, on the second Monday in May in each year or, if the Exchange is not open for business on that day, on the next succeeding business day. The meeting shall be held immediately following the close of business on the Exchange on such day, in the Board Room of the Exchange or at such other place as may be fixed in advance by the Board of Directors. At such annual election there shall be elected by the membership by ballot:

(1) In the year 1972 a class of ten Directors to serve for the term of one year and a class of ten Directors to serve for the term of two years, the members of which classes shall meet the qualifications described in Article II; and in each year thereafter a class of ten Directors to serve for the term of two years, the members of which shall meet the qualifications described in Article II;

(2) a Nominating Committee of eight members to serve for the term of one year which shall have the required composition provided in Section 2 of this Article;

(3) two Trustees of the Gratuity Fund to serve for the term of three years, who shall be members of the Exchange as provided in Section 1 of Article XVII; and

(4) persons to fill any vacancies in the Board of Directors or in the Trustees of the Gratuity Fund, who shall meet the required qualifications for the positions to be filled.

* * * * *

NOMINATING COMMITTEE

Sec. 2. The Nominating Committee shall be composed of:

(a) Four representatives of the public, none of whom shall be, or be affiliated with, a broker or dealer in securities; and

(b) Four members or allied members, each of whom is a principal executive officer and a director of a member corporation, or a member of the managing committee, or (in the absence of any such committee) a principal partner of a member firm, or a member of the Exchange who is not *an officer* [a holder of voting stock] in any member corporation or a partner in any member firm.

* * * * *

NOMINEES BY PETITION AND ARRANGEMENT OF BALLOT

Sec. 4.

* * * * *

DEATH, WITHDRAWAL OR DISQUALIFICATION OF NOMINEES

In case of the death, withdrawal, disqualification or failure to qualify, at any time in advance of the annual election, of a nominee proposed by the Nominating Committee for one of the offices or positions to be filled at such annual election, the election of a person to fill such office or position shall not be held at the annual meeting of the members of the Exchange, but this shall not delay the election of persons to fill all other offices or positions. The Board of Directors, by the affirmative vote of a majority of the Directors then in office, thereupon may declare such office or position vacant and may elect a person to fill the vacancy to hold office until the seventh day after the annual election of the Exchange in the succeeding year or may, in its discretion, direct that such office or position be filled by vote of the members of the Exchange *entitled to vote thereon* at a special meeting of the members. If such special meeting shall be directed, the Board shall call the meeting and determine the procedure for nominations and voting by proxy at the meeting.

* * * * *

ELECTION PROCEDURE

Sec. 8. Promptly after the names of all the nominees for election at the annual meeting of the members of the Exchange have been reported to the Exchange, the Secretary of the Exchange shall mail notice of the annual meeting as provided in Section 12 of this Article to each member *entitled to vote thereat.* With the notice the Secretary shall furnish a form of proxy which shall designate the members of the Nominating Committee, or any one or more of them, as persons authorized to act thereunder at the annual meeting. The proxy shall list the names of all nominees for election at the annual meeting as provided in Section 4 of this Article and shall provide, by boxes or otherwise, means by which a member may designate the nominees for whom votes shall be cast under the proxy. The proxy shall provide that in the absence of such designation all votes under the proxy shall be cast for the persons nominated by the Nominating Committee. All proxies to the Nominating Committee received at or before the annual meeting shall, unless revoked, be voted as specified thereon in each election to fill an office or position which is held at the annual meeting, and the votes thereunder may be cast by any one or more members of the Nominating Committee present at the annual meeting. Any member *entitled to vote,* except one who has executed an irrevocable proxy to a member firm or member corporation as provided in Section 11 of this Article, may attend and vote in person or may designate one or more members or allied members of the Exchange (*or the lessee of his membership, if any*) other than the members of the Nominating Committee to act for him by proxy at the annual meeting.

QUORUM

Sec. 9. *Members entitled to cast* a majority of [all the members] *the total number of votes entitled to be cast at any meeting* present in person or by proxy, shall constitute a quorum at any meeting of the members of the Exchange for the transaction of any business, but the members present *and entitled to vote thereat* may adjourn any meeting despite the absence of a quorum.

VOTING REQUIREMENTS

Sec. 10. [Any member of the Exchange in good standing shall be entitled to vote in an election or upon any other matter at any meeting of members of the Exchange.]

(a) Each of the memberships, described in Section 1(a) of Article IX, held by a member in good standing, shall be entitled to one vote on each office or position to be filled at any election or upon any other matter at any meeting of the members of the Exchange.

(b) A member described in Section 1(b) of Article IX, in good standing, shall be entitled to one vote on each office or position to be filled at any election of Directors or of the Nominating Committee or upon any other matter at any meeting of the members of the Exchange; provided, however, that, except as otherwise provided by law, such member shall not be entitled to vote on any of the following matters:

(i) any sale, lease, exchange or other disposition of all, or substantially all, the assets of the Exchange;

(ii) any merger or consolidation in which the Exchange is to participate as a constituent corporation within the meaning of the New York Not-For-Profit Corporation Law;

(iii) any dissolution or final liquidation of the Exchange;

(iv) any proposal to amend any of the rights and privileges or limitations thereon pertaining to such a member as provided in Section 1 of Article IX, or in this subsection (b);

(v) any proposal to amend Article XVI or Article XVII; or

(vi) any election of Trustees of the Gratuity Fund.

(c) A member described in Section 1(c) or Section 1(d) of Article IX, in good standing, shall be entitled to one-half vote on each office or position to be filled at any election of Directors or of the Nominating Committee or upon any other matter at any meeting of the members of the Exchange; provided, however, that, except as otherwise provided by law, such member shall not be entitled to vote on any of the following matters:

(i) any sale, lease, exchange or other disposition of all, or substantially all, the assets of the Exchange;

(ii) any merger or consolidation in which the Exchange is to participate as a constituent corporation within the meaning of the New York Not-For-Profit Corporation Law;

(iii) Any dissolution or final liquidation of the Exchange;

(iv) any proposal to amend any of the rights and privileges or limitations thereon pertaining to such a member as provided in Section 1 of Article IX or in this subsection (c);

(v) any proposal to amend Article XVI or Article XVII; or

(vi) any election of Trustees of the Gratuity Fund.

Except as provided in Section 5 of this Article, the election of a person to any position or office shall be by a plurality of the votes cast *by the members entitled to vote thereon,* in person or by proxy, at a meeting of the members. Whenever any corporate action, other than the election of a person to a position or office, is to be taken by vote of the members of the Exchange *as provided in this Section* it shall, except as otherwise required by law or by this Constitution, be authorized by a majority of the votes cast, *by the members entitled to vote thereon* in person or by proxy, at a meeting of the members.

PROXY

Sec. 11. A member may authorize another person or persons to act for him by proxy at any meeting of the members of the Ex-

change, subject to the provision of this Section. Except as hereinafter provided, only one or more members or allied members of the Exchange may be designated by a member to act for him by proxy, and every proxy shall be personally signed by the member giving it, shall be valid only for a specified meeting and any adjournment of adjournments of such meeting, shall be revocable at the pleasure of the member executing it and shall be delivered to the Secretary of the Exchange at or before the meeting for which it is given.

A member whose membership in the Exchange is subject to an a-b-c agreement in the partnership articles of a member firm or in an agreement with a member corporation shall execute and file with the Secretary of the Exchange an irrevocable proxy, in form satisfactory to the Exchange, authorizing such member firm or member corporation or its nominee or nominees, as a pledgee so long as such a-b-c agreement remains in effect, to represent and act as attorney-in-fact for the member in voting on any and all matters whatsoever, ordinary or extraordinary, at any annual or special meeting of members of the Exchange, or in expressing consent or dissent without a meeting, and in any and all things incidental thereto, such as requesting the call of or calling special meetings of members of the Exchange, proposing by petition nominees for offices or positions to be filled at elections, or proposing amendments to the Constitution, or executing for and on behalf of the member waivers of notice or revocable proxies delegating authority, including discretionary authority, to act for and in place of the attorney-in-fact at any meeting of the members of the exchange or otherwise. A member firm or member corporation holding such an irrevocable proxy may from time to time by written notice filed with the Secretary of the Exchange designate one or more general partners of such firm or principal executive officers of such corporation to exercise any and all authority under such proxy.

A member described in Section 2 of Article IX may execute and file with the Secretary of the Exchange a proxy, in form satisfactory to the Exchange, authorizing the lessor of such member's membership or the member firm in which such member is a general partner or the member corporation in which such member is an officer, during the term of the lease, to represent and act as attorney-in-fact for the member in voting on any and all matters whatsoever, ordinary or extraordinary, at any annual or special meeting of members of the Exchange held during such term, or in expressing consent or dissent without a meeting, and in any and all things incidental thereto, such as requesting the call of or calling special meetings of members of the Exchange, proposing by petition nominees for offices or positions to be filled at elections, or proposing amendments to the Constitution, or executing for and on behalf of the member waivers of notice.

SPECIAL MEETING

Sec. 12. Whenever members are required or permitted to take any action at a meeting, written notice shall be given stating the place, date and hour of the meeting and, unless it is the annual meeting, indicating that it is being issued at the direction of the person or persons calling the meeting. Notice of a special meeting (including any such meeting to be held in conjunction with an annual meeting) shall also state the purpose or purposes for which the meeting is called. The Secretary of the Exchange shall mail a copy of the notice of any meeting, not less than ten nor more than fifty days before the date of the meeting, to each person who [is a member], on the day the notice is mailed, *is a member who would be entitled to vote at such meeting*, and shall deliver a copy to each [member elected] *person who becomes a member entitled to vote at such meeting* thereafter and prior to the meeting or any adjournment thereof. If a member shall have filed with the Secretary an irrevocable proxy, as provided in Section 11 of this Article, the Secretary shall concurrently mail a copy of the notice of any meeting, together with any accompanying form of proxy, to the member firm or member corporation holding such irrevocable proxy, for the attention of one of the general partners or principal executive officers, if any, at the time designated to exercise authority under such proxy.

When a meeting is adjourned to another time or place, it shall not be necessary to give any notice of the adjourned meeting, if the time and place to which the meeting is adjourned are announced at the meeting at which the adjournment is taken, and at the adjourned meeting any business may be transacted that might have been transacted on the original date of the meeting.

* * * * *

ARTICLE IX

MEMBERSHIP—ALLIED MEMBERSHIP—MEMBER FIRMS—MEMBER CORPORATIONS

[MEMBERS, ALLIED MEMBERS AND APPROVED PERSONS]

SEC. 1. The membership of the Exchange shall consist of

(a) Subject to the provisions of Section 2 of this Article, 1366 members of the Exchange, each of whom shall, upon liquidation, dissolution, or winding up of the affairs of the Exchange, have distributive rights in its assets; and

(b) Such number of members of the Exchange, as the Board of Directors may from time to time determine, consistent with available physical floor space and facilities, each of whom shall have paid an annual dues, which shall entitle such member, during the period for which dues hae been paid and while such member remains in good standing, to enter physically upon the trading floor and to have facilities thereon for the execution of orders; and

(c) Such number of members of the Exchange, as the Board of Directors may from time to time determine, each of whom shall have paid an annual dues, which shall entitle such member, during the period for which dues have been paid and while such member remains in good standing, to maintain electronic or telephonic access to (i) the floor facilities of a member, member firm or member corporation, and (ii) the Designated Order Turnaround System of the Exchange, and (iii) such other automated trading systems of the Exchange as the Board of Directors may from time to time determine; and

(d) such number of members of the Exchange, as the Board of Directors shall from time to time determine, consistent with available physical floor space and facilities, each of whom shall have paid an annual dues, which shall entitle such member, during the period for which dues have been paid and while such member remains in good standing to enter physically upon the trading floor, and to have facilities thereon, to engage in activities as an options market maker.

None of the members described in subsections (b), (c) or (d) of this Section shall have any interest in or any right to share in any distribution of the assets of the Exchange in the event of any liquidation, dissolution, or winding up of the affairs of the Exchange.

Sec. 2. A member described in subsection (a) of Section 1 of this Article in good standing may lease his membership to a person approved by the Exchange subject to and in accordance with such rules as may be adopted from time to time by the Board of Directors. During the term of such lease, the lessee, rather than the lessor, shall for all purposes of the Constitution and the Rules thereunder be deemed to be the member of the Exchange, except that the lessor shall be deemed to be the member for the purposes of Article XVI and shall be entitled to receive, with respect to such membership, any distribution of the assets of the Exchange in the event of any liquidation, dissolution, or winding up of the affairs of the Exchange.

Sec. 3. There may be an unlimited number of allied members and approved persons.

ELIGIBILITY

Sec. [2] *4.* To be eligible for [election as a member of] *membership in* the Exchange, a person must be at least the minimum age of majority required to be responsible for his contracts in each jurisdiction in which he conducts business. [; any person elected shall have all the rights and privileges and shall be under all the duties and obligations of a member of the Exchange in accordance with the Constitution.]

ELECTION, REINSTATEMENT, READMITTANCE TO MEMBERSHIP

Sec. [3] *5.*

* * * * *

INITIATION FEE

Sec. [4] *6.* (a) Each person (hereinafter referred to as a "new member"), *upon becoming a member* [elected to membership] *described in Section 1(a) of this Article*, shall pay to the Exchange an initiation fee which shall be determined as follows:

[(a)] (*1*) in the event that that the new member shall have purchased such membership through a membership auction facility furnished by the Exchange [,] the initiation fee shall be the lesser of seventy-five hundred dollars or such amount as shall be equal to ten per cent of the purchase price paid for the membership;

[(b)] (*2*) in the event that:

* * * * *

(v) the new member shall have a contractual obligation to the same member organization to transfer the membership of the new member to such person as may be designated by the member organization, which obligation shall be upon substantially the same terms and conditions of said contractual obligation of the outgoing member to the member organization, then the initiation fee shall be the lesser of seventy-five hundred dollars or such amount as shall be equal to five per cent of the purchase price at which the most recent contractual sale of a membership occurred through the auction facility prior to the date on which notice of the member shall have been posted [.] *; and*

[(c)] (*3*) in the event that the membership of a new member shall have been acquired in the manner other than as contemplated in either clause [(a)] (*1*) or clause [(b)] (*2*) of this [sentence] *Section*, the initiation fee shall be the lesser of seventy-five hundred dollars or such amount as shall be equal to ten per cent of the purchase price at which the most recent contracted sale of a membership occurred through the auction facility prior to the date on which notice of the new member shall have been posted.

(b) Notwithstanding the foregoing provisions of this Section, the Board of Directors

may by rule eliminate the initiation fee payable by a new member or reduce such fee below the minimum otherwise provided in this Section. The Board of Directors may also by rule require the payment of an initiation fee upon the commencement or termination, or both, of any lease of membership referred to in Section 2 of this Article.

NON-PAYMENT OF INITIATION FEE

Sec. [5] *7.* If the initiation fee *payable by* [of] a member is not paid on the day of his *admission* [election], his *admission* [election] shall be void.

SIGNING CONSTITUTION

Sec. [6] *8.* No person [elected] *admitted* to membership shall be *entitled* [admitted] to [the] *any* privileges thereof until he shall have signed the Constitution of the Exchange. By such signature he pledges himself to abide by the same as the same has been or shall be from time to time amended, and by all rules adopted pursuant to the Constitution.

USE OF FACILITIES OF EXCHANGE

Sec. [7] *9.*

* * * * *

ALTERNATES ON FLOOR FOR DIRECTORS OR OFFICERS

Sec. [8] *10.*

* * * * *

ALTERNATES OF FLOOR DURING NATIONAL EMERGENCIES

Sec. [9] *11.*

* * * * *

ARTICLE X

DUES AND FINES—CHARGE ON NET COMMISSIONS—OTHER CHARGES—PENALTY FOR NON-PAYMENT

DUES

AMOUNT FIXED BY BOARD OF DIRECTORS

Sec. 1 (*a*) The dues payable by a member *described in Section 1(a) or Section 2 of Article IX,* [of the Exchange] exclusive of fines and of such other charges as may be imposed pursuant to the Constitution and of the contributions under Article XVI, shall be fixed by the Board of Directors from time to time and shall not exceed one thousand five hundred dollars in any calendar year. *Such* [The] dues shall be payable in advance on January 1, April 1, July 1, and October 1. The amount of each installment shall be determined by the Board of Directors at least three days before the date on which the same is payable.

(*b*) *The dues payable by a member described in Section 1(b) of Article IX, exclusive of fines and of such other charges as may be imposed pursuant to the Constitution, shall be fixed by the Board of Directors from time to time, and shall be not less than $25,000 annually. Such dues shall be paid in full prior to admission to membership, and prior to any renewal of such member's membership.*

(*c*) *The dues payable by a member described in Section 1(c) of Article IX, exclusive of fines and of such other charges as may be imposed pursuant to the Constitution, shall be fixed by the Board of Directors from time to time, and shall be not less than $13,500 annually. Such dues shall be paid in full prior to admission to membership, and prior to any renewal of such member's membership.*

(*d*) *The dues payable by a member described in Section 1(d) of Article IX, exclusive of fines and of such other charges as may be imposed pursuant to the Constitution, shall be fixed by the Board of Directors from time to time. Such dues shall be paid in full prior to admission to membership, and prior to any renewal of such member's membership.*

[When payable]

EXEMPTION TO MEMBERS IN ARMED FORCES

The Board of Directors may, on the request of a member who, in time of national emergency for this country,

(a) is on active duty in the armed forces of the United States, or

(b) is on active duty in the armed forces of any nation or state which is then allied or associated with the United States, and who, in the determination of the Board is not able to avail himself of the privileges provided in Article IX, Section [15] *11* exempt such member from the payment of dues, under such terms and conditions and to such extent as the Board may prescribe.

* * * * *

ALLOCATIONS OF DUES

The dues [for each quarter] *payable by any member described in Section 1(a) or Section 2 of Article IX* may be divided by the Board into two parts, one of which shall constitute the member's contribution to the current expenses of the Exchange for the quarter, as estimated by the Board, and the other of which shall constitute the member's contribution [for the quarter] towards the capital investment of the Exchange, which shall include advances to its subsidiaries to cover capital expenditures.

* * * * *

PENALTY FOR NONPAYMENT

Sec. 5. A member *described in Section 1 (a) or Section 2 of Article IX* who shall not pay his dues, or *any member who shall not pay* a fine, or a contribution under Article XVI, or any other sums due to the Exchange, within forty-five days after the same shall become payable shall be reported by the Treasurer to the Chairman of the Board and, after written notice mailed to him of such arrearages, may be suspended by the Board of Directors until payment is made.

Should payment not be made within one year after payment is due, the membership of [the] *a* delinquent *member described in Section 1(a) or Section 2 of Article IX* may be disposed of by the Board on at least ten days' written notice mailed to [him] *such member (and to the lessor of his membership, if any)* at [his] *the* address registered with the Exchange.

* * * * *

LIABILITY FOR DUES AND CONTRIBUTIONS UNTIL TRANSFER

Sec. 7. Notwithstanding the death or expulsion of a member *described in Section 1(a) or Section 2 of Article IX,* [his] *the* membership *of such member* until transferred *as provided in Section 1 of Article XI* shall continue liable for dues to the Exchange, as from time to time fixed by the Board of Directors, for contributions under the provisions of Article XVI, and for payments under Sections 8, 9 and 11 of this Article.

* * * * *

ARTICLE XI

TRANSFER OF MEMBERSHIP-TERMINATION OF ALLIED MEMBERSHIP

TRANSFER OF MEMBERSHIP

Sec. 1. A transfer of membership *of a member describde in Section 1(a) of Article IX and the leasing of such a membership* may be made upon the approval of the transfer or *lease* by the Board. *A membership of a member described in Sections 1(b), 1(c), 1(d) or 2 of Article IX shall not be transferable.* Notice of [the] *a* proposed transfer *or of such a proposed leasing of membership* shall be posted on the bulletin board for at least ten days prior to transfer *or the commencement of such lease,* which notice shall specify the date on which the proposed transfer *or lease* will be [considered] *effective.* Consideration of [a] *any* proposed transfer *or lease* may be postponed from time to time. Notice of the date of such postponed consideration shall be posted promptly on the bulletin board.

For purposes of this Article neither the leasing of a membership as referred to in Section 2 of Article IX or the surrender of the membership upon the termination of such lease shall be considered a transfer of membership.

CONTRACTS ON THE EXCHANGE BY TRANSFERORS

Sec. 2. A member proposing to transfer his membership *or to lease his membership in accordance with the rules* shall not after the posting of notice thereof make any contract on the Exchange for settlement on or after the date on which such proposed transfer *or lease* will [be considered by the Board] *become effective* unless such member is a general partner in a member firm which will continue to be a member firm or is [A HOLDER OF VOTING STOCK] *AN OFFICER* in a member corporation which will continue to be a member corporation notwithstanding the completion of such transfer *or the effectiveness of such lease,* in which case such member may make contracts on behalf of any member, member firm or member corporation whose status as such will continue subsequent to the date of the completion of such transfer *or the effectiveness of such lease.* If a contract with such member is made after the posting of notice of the proposed transfer for settlement on or after the date on which such proposed transfer will be considered by the Board, it shall not, if such transfer is approved, be the basis of a claim against the proceeds of such transfer under sub-division Third of Section 3 of this Article. However, if such member is a general partner in a member firm which will continue to be a member firm or is [A HOLDER OF VOTING STOCK] *AN OFFICER* in a member corporation which will continue to be a member corporation, notwithstanding the completion of such transfer, such a contract may be the basis of a claim under said sub-division Third of Section 3 against the proceeds of the subsequent transfer of the membership of any general partner in such firm or of any [HOLDER OF VOTING STOCK] *OFFICER* in such corporation, including the transferee of such membership provided he is or becomes at the time of such transfer a general partner in such member firm or [THE HOLDER OF VOTING STOCK] *AN OFFICER* in such member corporation.

WHEN CONTRACTS MATURE

All open Exchange Contracts of a transferring member *or of a member who is leasing his membership* and of his firm or corporation shall mature on the full business day preceding the date on which such proposed transfer *or lease becomes effective,* [will be considered by the Board], unless such firm or corporation will continue to be a member firm or member corporation notwithstanding the completion of such transfer *or effectiveness of such lease,* and if not settled before 2:15 p.m. of such preceding full business day, shall be closed out as in the case of an insolvency, unless the same are assumed or taken over by another member, member firm or member corporation.

* * * * *

MEMBERSHIP OF DECEASED MEMBER

Sec. 4. When a member *described in Section 1(a) of Article IX* dies, his membership may be disposed of by the Board of Directors.

DEATH OF SOLE EXCHANGE MEMBER

GENERAL PARTNER

Sec. 5. (a) If, upon the death of a member *described in Section 1(a) of Article IX,* who, at the time of his death, was a general partner in a member firm in which no other general partner is a member of the Exchange, the following conditions exist:

(1) The partnership articles of such firm provide for the continuance of the firm, and

(2) The deceased member shall have agreed in the partnership articles of such member firm that such continuing firm, if permitted by the Board of Directors to have the status of a member firm, shall be entitled to have the use of his membership from the date of his death until the termination of such status of such continuing firm or until a member of the Exchange be admitted to such firm as a general partner, and that, in so far as may be necessary for the protection of creditors of the continuing firm, and subject to the Constitution and Rules of the Exchange, the proceeds of his membership shall be an asset of the continuing partnership during such period, and

(3) Such continuing partnership shall be permitted by the Board of Directors to have the status of a member firm, then upon the transfer of the membership of such deceased member the proceeds thereof shall be applied to the same purposes and in the same order of priority as if such member had continued to be a member of the Exchange and a general partner in such continuing firm until the date of the termination of such status, or until a member of the Exchange is admitted to such firm as a general partner, whichever event occurs first.

DIRECTOR

(b) If, upon the death of a member *described in Section 1(a) of Article IX* who, at the time of his death, was an officer [AND HOLDER OF VOTING STOCK] of a member corporation in which no other officer [AND HOLDER OF VOTING STOCK] is a member of the Exchange, the following conditions exist:

(1) The member corporation continues in business, and

(2) The deceased member shall have agreed in a writing filed with the Exchange that such member corporation, if permitted by the Board of Directors to have the status of a member corporation, shall be entitled to have the use of his membership from the date of his death until the termination of such status of such corporation or until a member of the Exchange becomes an officer of [AND A HOLDER OF VOTING STOCK IN] such corporation; and that, in so far as may be necessary for the protection of creditors of the corporation, and subject to the Constitution and Rules of the Exchange, the proceeds of his membership shall be an asset of the corporation during such period, and

(3) Such corporation shall be permitted by the Board of Directors to have the status of a member corporation, then upon the transfer of the membership of such deceased member the proceeds thereof shall be applied to the same purposes and in the same order of priority as if such member had continued to be a member of the Exchange and an officer of [AND A HOLDER OF VOTING STOCK IN] such corporation until the date of the termination of such status, or until a member of the Exchange becomes an officer of [AND A HOLDER OF VOTING STOCK IN] such corporation, whichever event occurs first.

MEMBERSHIP OF EXPELLED MEMBER

Sec. 6. When a member *described in Section 1(a) of Article IX* is expelled or becomes ineligible for reinstatement, his membership may be disposed of by the Board of Directors.

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ARTICLE XIII

INSOLVENT MEMBERS-SUSPENSION-REINSTATEMENT

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TIME LIMIT FOR REINSTATEMENT

Sec. 4. If the Board of Directors determines, after not less than 10 days notice to a member *described in Section 1(a) of Article IX who is* suspended under the provisions of this Article, that the protection of the persons, firms and corporations entitled to make claim against the proceeds of the transfer of the membership under Section 3 of Article XI or of the creditors of the member firm or member corporation in which such member is or was last a general partner or [HOLDER OF VOTING STOCK] *AN OFFICER,* requires the transfer of the membership of such member, such membership may be disposed of by the Board of Directors.

In any case, if [a] *such* member suspended under the provisions of this Article is not reinstated as provided in Section 5 of this Article within one year from the time of his suspension, or within such further time as the Board of Directors may grant, his membership shall be disposed of by the Board of Directors.

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ARTICLE XIV

EXPULSION AND SUSPENSION FROM MEMBERSHIP OR FROM ALLIED MEMBERSHIP-DISCIPLINARY PROCEEDINGS

* * * * *

SUSPENSION OR EXPULSION OF MEMBERS OF SUSPENDED OR EXPELLED ORGANIZATION

Sec. 22

FAILURE OF ORGANIZATION TO PAY FINE

Whenever the Treasurer shall report to the Chairman of the Board that a member firm or member corporation has neglected to pay a fine for forty-five days after the same became payable, the allied membership of each allied member who is a general partner in such member firm [OR A HOLDER OF VOTING STOCK] *AND OF EACH ALLIED MEMBER* in such member corporation shall terminate, unless the Board of Directors shall have granted an extension of time to pay such fine, and any member who is a general partner in such member firm or [A HOLDER OF VOTING STOCK] *AN OFFICER* in such member corporation may be suspended by the Board of Directors until payment of such fine is made. Should payment not be made within one year after payment is due, the membership of any such member *who is described in Section 1(a) or Section 2 of Article IX* may be disposed of by the Board, on at least ten days written notice mailed to such members *and to the lessor of his membership,* if any at [his] *the* address registered with the Exchange.

* * * * *

ARTICLE XVI

THE GRATUITY FUND

INITIAL CONTRIBUTION

Sec. 1. Every person who shall become a member of the Exchange shall pay to the Trustees of the Gratuity Fund the sum of fifteen dollars before he shall be admitted to the privilege of membership. *For the purpose of this Article the term member shall mean any one of the members described in Section 1(a) of Article IX, but shall not include the lessee of any such membership.*

* * * * *

ARTICLE XVII

THE TRUSTEES OF THE GRATUITY FUND

DUTIES

Sec. 1. The execution of the provisions of the preceding Article, and the management and distribution of the Fund created thereunder shall be under the charge of a Board of Trustees, acting as agent for the Exchange, to be known as "The Trustees of the Gratuity Fund," and to consist of the Chairman of the Board of Directors and six members of the Exchange *described in Section 1(a) of Article IX* elected by the membership.

ARTICLE XX

AMENDMENT OF THE CONSTITUTION

PROCEDURE

CONSTITUTIONAL CHANGES

Sec. 1. The provisions of this Constitution may be amended or repealed and new provisions may be adopted, only by the members of the Exchange *who are entitled to vote thereon* in accordance with the procedure specified in this Article.

* * * * *

PROPOSING AMENDMENTS

Sec. 3. Amendments may be proposed in the following manner:

(a) By one or more members of the Board of Directors.

(b) By the signed petition of not less than one hundred and seventy-five members of the Exchange (*who would be entitled to vote on the proposed amendment*) setting forth the proposed amendment and filing the same with the Secretary of the Exchange who shall present it to the Board of Directors at the next regular meeting of the Board. After the expiration of not less than two weeks following the presentation of such proposed amendment to the Board of Directors, the Board may direct that it be submitted, with or without the approval of the Board, to the members[hip for] *entitled to* vote thereon (*or to all members if required by law*) at a special meeting if [the] *such* members of the Exchange called for the purpose; provided, however, that in any case the Board of Directors shall, within seven weeks after such proposed amendment has been presented to the Board, direct such submission to [the] *such* members[hip].

Any such proposed amendment when approved by the affirmative vote of a majority of the Directors then in office or submitted as directed in Sub-section (b) above, shall be posted on the bulletin board and submitted to the members[hip for] *entitled to* vote thereon (*or to all members if required by law*) at a special meeting of [the] *such* members of the Exchange called for the purpose.

NOTICE OF MEETING

Sec. 4. Notice of any special meeting of the members of the Exchange called pursuant to this Article shall be given by the Secretary of the Exchange as provided in Section 12 of Article VII. With the notice the Secretary shall furnish a form of proxy designating not less than three members of the Exchange selected by the Board of Directors to serve as a Proxy Committee authorized to act for members at the special meeting. The proxy shall provide by boxes or otherwise, means by which a member may specify that his vote be cast for or against the proposed amendment. The proxy shall further provide as to how it will be voted if not so specified. All proxies to the Proxy Committee shall, unless revoked, be voted as specified or otherwise provided thereon, and the votes thereunder may be cast by any one or more members of the Proxy Committee present at the

special meeting. Any member *entitled to vote*, except one who has executed an irrevocable proxy to a member firm or member corporation as provided in Section 11 of Article VII, may attend and vote in person or may designate one or more members or allied members of the Exchange (*or the lessor of his membership, if any*) other than the members of the Proxy Committee to act for him by proxy at the special meeting.

QUORUM

Sec. 5. If a quorum shall not be present, in person or by proxy, at the place and time fixed for a special meeting of the members called pursuant to this Article, the meeting shall be adjourned to reconvene at the same time and place on the day two weeks thereafter or, if the Exchange is not open for business on that day, on the next succeeding business day. If a quorum shall not then be assembled, the meeting shall be dissolved and the proposed amendment shall not become effective. For the adoption of any proposed amendment it shall, except as otherwise required by law or by this Constitution, be authorized by a majority of the votes cast *by the members entitled to vote thereon* at the special meeting at which it is submitted, provided that a quorum is present, in person or by proxy.

Sec. 6. Notwithstanding the foregoing provisions of this Article, no amendment to the Constitution shall ever be made which will impair in any essential particular, the obligation of each member, *within the meaning of that term as used in Article XVI*, to contribute, as provided in Article XVI, to the provision for the families of deceased members, unless such amendment shall be authorized by a unanimous vote, or by the written consent, of all *such* [the] members of the Exchange.

* * * * *

[FR Doc.77-25510 Filed 8-31-77;8:45 am]

[Rel. No. 9910, (812-4087)]

NORTH RIVER SECURITIES CO., INC.

Filing of Application Pursuant to Section 17(b) of the Act for an Order Exempting Proposed Transaction From Section 17(a) of the Act

AUGUST 24, 1977.

Notice is hereby given that North River Securities Co., Inc., 595 Madison Avenue, New York, New York 10022, ("Applicant"), a non-diversified, closed-end management investment company registered under the Investment Company Act of 1940 (the "Act"), filed an application on January 27, 1977, and an amendment thereto on August 8, 1977, for an order pursuant to Section 17 (b) of the Act exempting certain transactions proposed to be entered into by Applicant from the provisions of Section 17(a) of the Act. All interested persons are referred to the application which is on file with Commission for a statement of the representations contained therein, which are summarized below.

Applicant entered into an agreement dated as of November 3, 1976 (the "Purchase Agreement") with Hyman Katz ("Katz") providing for the sale by Applicant to Katz of 60,000 shares (the "Shares") of the Common Stock of Plant Industries, Inc., a Delaware corporation ("Plant"). The closing of such sale is conditioned upon the issuance of an order by the Commission to the effect that the proposed transaction is exempt from the provisions of Section 17(a) of the Act. The purchase price for the Shares is $6.50 per share or $390,000 in the aggregate, which will be evidenced by a note to be issued by Katz for $390,000 dated as of November 3, 1976, which note will provide for payment of one half of the principal amount one year after the closing date under the Purchase Agreement ("Closing Date") and the remainder two years after the Closing Date and will bear interest commencing on November 3, 1976 at a floating rate equal to the prime rate of Citibank, New York, as in effect from time to time, but not less than 7%.

To secure payment of the aforesaid note, Katz will pledge the Shares and an additional 60,000 shares currently owned by him (collectively, the "Pledged Shares") to Applicant pursuant to the terms of a pledge agreement which will be entered into on the Closing Date. Pursuant to the terms of the pledge agreement, Katz will pledge additional shares of Plant to the extent that the "market value", as defined in the pledge agreement, becomes less than 200% of the outstanding principal amount of the note. Katz will pay the expenses incidental to the preparation and carrying out of the Purchase Agreement to a maximum of $5,000. Applicant will pay any expenses over such amount.

Plant has agreed with Applicant that in the event Katz defaults on the note and Applicant becomes the owner of the Pledged Shares, Plant will extend to the additional 60,000 Pledged Shares and any additional Plant shares pledged pursuant to the pledge agreement and maintain with respect to such shares certain registration rights under the Securities Act of 1933 previously held by Applicant.

Sections 17(a) (2) and 17(a) (3) of the Act, in pertinent part, prohibit an affiliated person of an affiliated person of a registered investment company from knowingly selling to or purchasing from such registered investment company any security (other than certain excepted securities not herein involved) or borrowing money or other property from such registered investment company. Section 17(b) of the Act provides, however, that the Commission, upon application, may exempt a transaction from the provisions of Section 17(a) if evidence establishes that the terms of the proposed transaction, including the consideration to be paid, are reasonable and fair and do not involve any overreaching on the part of any person concerned and that the proposed transaction is consistent with the policy of each registered investment company and with the general purposes of the Act.

Section 2(a) (3) of the Act includes within the definition of an "affiliated person" of another person any person owing 5% or more of the outstanding voting securities of such other person, any person 5% or more of whose outstanding voting securities are owned by such other person, and any officer or director of such other person. Section 2(a) (28) of the Act includes "a company" within the definition of a "person".

Without taking into account the proposed sale to Katz, Applicant owns 349,700 shares of Common Stock of Plant, or approximately 12.2% of its outstanding Common Stock. Thus Plant is an affiliated person of Applicant. Similarly, without taking into account such proposed sale, Katz owns of record and beneficially 324,943 shares of Common Stock of Plant or approximately 11.3% of its outstanding Common Stock. Katz is also Chairman of the Board and Chief Executive Officer of Plant. Katz is thus an affiliated person of Plant and thereby an affiliated person of an affiliated person of Applicant.

Based upon the foregoing, the proposed sale of the Shares to Katz pursuant to the Purchase Agreement might be deemed to be in violation of Sections 17(a) (2) and 17(a) (3) of the Act. Accordingly, Applicant requests an order of the Commission pursuant to Section 17(b) of the Act permitting Applicant to sell Katz the Shares in accordance with the provisions of the Purchase Agreement and permitting the pledge by Katz of the Plant shares to Applicant to secure the note evidencing the purchase price for the Shares.

The application states that because of Applicant's substantial equity interest in Plant, it has a significant interest in the management of such company and Applicant believes that it is desirable to provide added incentive to the Chief Executive Officer of Plant through giving him the opportunity to purchase additional shares of common stock of the company which he manages. The application further states that such desirability is enhanced by the fact that Applicant will derive a cash profit as a result of the transaction based upon an average cost to Applicant of $6.00 per share of all of the shares of Plant held by Applicant. On November 3, 1976, the date this sale was agreed upon, the last reported sale price of a share of Plant on the American Stock Exchange was $7.00. Although the market price was slightly higher than the $6.50 price to Katz, the application states that the Shares which Applicant is selling to Katz are unregistered shares and could not have been sold in the open market.

Applicant represents that to its knowledge there are no other agreements relating to securities of Plant nor are there any material business relationships in each case between Katz and Applicant or any of its officers, directors or 5% stockholders other than as disclosed in the application.

Applicant contends that the terms of the proposed transaction are fair and reasonable and do not involve overreaching on the part of any person concerned, and that the transaction is consistent with its policies and with the general policies, provisions and purposes of the Act.

Notice is further given that any interested person may, not later than September 19, 1977, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant(s) at the address(es) stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delgated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-25505 Filed 8-31-77;8:45 am]

[Release No. 13883, (SR-PSE-77-10)]

AUGUST 23, 1977.

PACIFIC STOCK EXCHANGE INC.

Order Approving Proposed Rule Change

On April 20, 1977, the Pacific Stock Exchange Incorporated, Los Angeles Division, 618 South Spring Street, Los Angeles, California 90014, filed with the Commission, pursuant to Section 19(b) of the Securities Exchange Act of 1934 (the "Act"), as amended by the Securities Acts Amendments of 1975, and Rule 19b-4 thereunder, copies of a proposed rule change regarding the non-applicability to market makers of the rule requiring members to give up the name of the clearing member through whom a transaction is executed; definition of stop-loss orders; conducting accommodation liquidations; obligations of market makers in making bids and offers; split transactions as contingent orders; and floor citations. This filing was amended August 12, 1977.[1]

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 13566 (May 23, 1977)), and by publication in the FEDERAL REGISTER (42 FR 28177 (June 2, 1977)).

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to registered national securities exchanges, and in particular, the requirements of Section 6 and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change filed with the Commission on April 20, 1977, as amended, be, and it hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-25506 Filed 8-31-77;8:45 am]

[1] The amendment was for the purpose of eliminating certain proposed definitions of terms which the Exchange has elected to make the subject of a separate filing.

[Realease No. 34-13880; File No. SR-PSE-77-21]

PACIFIC STOCK EXCHANGE INC.

Self-Regulatory Organizations; Proposed Rule Change By

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s (b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on August 15, 1977, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

PSE'S STATEMENT OF THE TERMS OF SUBSTANCE AND BASIS AND PURPOSE OF THE PROPOSED RULE CHANGE

The Pacific Stock Exchange Incorporated ("PSE") hereby requests to amend Section 8(b) of Rule II of the Rules of its Board of Governors to effect a change in execution procedure for dual issue odd lot market orders from a two minute from receipt of order to next sale basis.

Current execution procedures require that odd lot market orders in dual issues be executed on the primary market two (2) minutes subsequent to the order's entry on the PSE Floor. On occasion, this procedures has caused unnecessary delays in report turnaround time due to the additional handling necessitated by the two (2) minute holding period.

The implementation of a next sale pricing procedure will enable our firms to receive reports of PSE market order odd lot executions within a short period of time. Therefore, the proposed rule change promotes just and equitable principles of trade and removes the impediments to the perfection of the mechanism of a free and open market.

Comments have neither been solicited nor received from members on the proposed rule change.

The proposed rule change imposes no burden on competition.

On or before October 6, 1977, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 25049. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before September 22, 1977.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-25509 Filed 8-31-77;8:45 am]

[File No. 1-5374]

WYLE LABORATORIES

Application to Withdraw From Listing and Registration

AUGUST 24, 1977.

In the matter of Wyle Laboratories, common stock, no par value, 5¼% Convertible Subordinated Debentures.

The above named issuer has filed an application with the Securities and Exchange Commission pursuant to Section 12(d) of the Securities Exchange Act of 1934 and Rule 12d2-2(d) promulgated thereunder, to withdraw the specified securities from listing and registration on the American Stock Exchange, Inc.

The reasons alleged in the application for withdrawing these securities from listing and registration include the following:

This security has been listed and registered on the New York Stock Exchange, Inc., and the management of the Company has concluded that the costs of maintaining the listing on both exchanges outweighs the benefits to be derived therefrom.

The American Stock Exchange, Inc. has not objected to this application, and the Company will be subject to Section 13 reporting requirements.

Any interested person may, on or before September 21, 1977 submit by letter to the Secretary of the Securities and Exchange Commission, Washington, D.C.

20549, facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the Commission for the protection of investors. An order granting the application will be issued after the date mentioned above, on the basis of the application and any other information furnished by the Commission, unless it orders a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-25507 Filed 8-31-77;8:45 am]

NATIONAL MARKET ADVISORY BOARD

Meeting

This is to give notice, pursuant to Section 10(a) of the Federal Advisory Committee Act, 5 U.S.C. App. 1 10(a), that the National Market Advisory Board will conduct open meetings on September 19 and 20, and October 17 and 18, 1977, in Room 776, 500 North Capitol Street, Washington, D.C. Initial notice of the September meeting was published in the FEDERAL REGISTER on July 1, 1977.

The summarized agenda for the October meeting will be published in the FEDERAL REGISTER at a later date. The summarized agenda for the September meeting is as follows:

1. Discussion of a supplementary report to the Congress pursuant to Section 11A(d)(3)(B) of the Securities Exchange Act of 1934.

2. Discussion of a Board letter to the Commission regarding:

(a) A composite quotation system for listed securities.

(b) A broker's obligation to obtain "best execution" for its customer.

(c) Proposed Commission rules 15c5-1 [A], [B], [C], and [D] regarding overreaching.

3. Discussion of possible means of linking market centers and providing system-wide limit order protection.

4. Discussion of such other matters as may properly be brought before the Board.

Further information may be obtained by writing Martin L. Budd, Executive Director, National Market Advisory Board Staff, Securities and Exchange Commission, Washington, D.C. 20549.

GEORGE A. FITZSIMMONS,
Secretary.

AUGUST 22, 1977.

[FR Doc.77-25496 Filed 8-31-77;8:45 am]

DEPARTMENT OF STATE

Agency for International Development

JOINT COMMITTEE ON AGRICULTURAL DEVELOPMENT OF THE BOARD FOR INTERNATIONAL FOOD AND AGRICULTURAL DEVELOPMENT

Meeting

Pursuant to Executive Order 11769 and the provisions of Section 10(a), (2), Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given of the third meeting of the Joint Committee on Agricultural Development of the Board for International Food and Agricultural Development on September 20, 1977.

The purpose of this meeting is to review the guidelines for Committee operations; to review a questionnaire to be sent to the university community for expanding the information on university interests and capabilities for participating in the Title XII program; to discuss the status of Title XII pilot projects; to review the status of development assistance programs in various A.I.D. countries; and related matters.

The meeting will begin at 9 a.m., will adjourn at 5:30 p.m., and will be held at the Ramada Inn, Rosslyn, 1900 Fort Myer Drive, Arlington, Va. The meeting room designation will be posted in the lobby of the Ramada Inn on the day of the meeting. The meeting is open to the public. Any interested person may attend, may file written statements with the Committee before or after the meeting, or may present oral statements in accordance with procedures established by the Committee, and to the extent the time available for the meeting permits.

Dr. Fletcher Riggs, Deputy to the Associate Assistant Administrator, Technical Assistance Bureau, is designated as A.I.D. Advisory Committee Representative at the meeting. It is suggested that those desiring further information write to him in care of the Agency for International Development, State Department, Washington, D.C. 20523, or telephone him at 703-235-9001.

Dated: August 24, 1977.

FLETCHER RIGGS,
Agency for International Development Advisory Committee Representative, Joint Committee on Agricultural Development Board for International Food and Agricultural Development.

[FR Doc.77-25396 Filed 8-31-77;8:45 am]

JOINT RESEARCH COMMITTEE OF THE BOARD FOR INTERNATIONAL FOOD AND AGRICULTURAL DEVELOPMENT

Meeting

Pursuant to Executive Order 11769 and the provisions of Section 10(a), (2), Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given of the third meeting of the Joint Research Committee of the Board for International Food and Agricultural Development on September 22 and 23, 1977.

The purpose of this meeting is to review progress being made on three pilot Collaborative Research Projects; to review priorities for future research activities; to further revise the draft paper on Committee guidelines; and to plan additional Collaborative Research Projects.

The meeting will begin at 9 a.m., will adjourn at 5:30 p.m., and will be held at the Texas A & M University Agricultural Research and Extension Center, located seven miles north of Lubbock, Texas, on Amarillo Highway. The meeting will be held in the Center auditorium. The meeting is open to the public. Any interested person may attend, may file written statements with the Committee before or after the meeting, or may present oral statements in accordance with procedures established by the Committee, and to the extent the time available for the meeting permits.

Dr. Erven J. Long, Associate Assistant Administrator, TAB, is designated as A.I.D. Advisory Committee Representative at the meeting. It is suggested that those desiring further information write to him in care of the Agency for International Development, State Department, Washington, D.C. 20533, or telephone him at 703-235-9001.

Dated: August 19, 1977.

ERVEN J. LONG,
Agency for International Development Advisory Committee Representative, Joint Research Committee Board for International Food and Agricultural Development.

[FR Doc.77-25397 Filed 8-31-77;8:45 am]

[Public Notice 564]

CULTURALLY SIGNIFICANT OBJECTS FROM THE PEOPLE'S REPUBLIC OF BULGARIA

Notice is hereby given of the following determination:

Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985), Executive Order 11312 of October 14, 1966 (31 FR 13415, October 18, 1966) and delegation of authority number 113 of December 23, 1966 (32 FR 53, January 5, 1967), I hereby determine that (1) the 541 objects described in the list[1] filed as a part of this determination imported from the People's Republic of Bulgaria pursuant to a loan agreement of August 5, 1977, by the Committee for Culture of the People's Republic of Bulgaria with Dr. Jan Fontein, Director of the Museum of Fine Arts, Boston, Massachusetts, for temporary exhibition without profit within the United States are of cultural significance and that (2) the temporary exhibition or display of such objects entitled "Thracian Treasures from Bulgaria" at the Museum of Fine Arts, Boston, Massachusetts, beginning on or about September 30, 1977, to on or about October 30, 1977, is in the national interest.

Public notice of this determination is ordered to be published in the FEDERAL REGISTER.

WILLIAM K. HITCHCOCK,
Acting Assistant Secretary for Educational and Cultural Affairs.

AUGUST 25, 1977.

[FR Doc.77-25539 Filed 8-31-77;8:45 am]

[1] Itemized list of Objects included in the Exhibition "Thracian Treasures from Bulgaria"; list filed as part of original document.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

DISCONTINUANCE CRITERIA FOR AIRPORT TRAFFIC CONTROL TOWERS

Policy Formulation

PURPOSE

The Federal Aviation Administration (FAA) invites all interested parties to comment on alternative approaches to the discontinuance or continued Federal operation of selected airport traffic control towers (ATCT's) currently in the U.S. air traffic control system. Policy and criteria for establishment and discontinuance of airport traffic control tower service are stated in FAA Order 7031.2B, Airway Planning Standard Number One—Terminal Air Navigation Facilities and Air Traffic Control Services. A change to this policy and criteria is being considered as outlined below.

BACKGROUND

Criteria for the establishment of airport traffic control towers (ATCT's) have been published by FAA and its predecessor organization since 1951. Criteria for the discontinuance of ATCT services have been available since 1956. Since their original publication, establishment criteria have been revised three times. With each revision, criteria have become increasingly more stringent, requiring higher levels of service for tower establishment eligibility. Current criteria for towers are contained in FAA Order 7031.2B, Airway Planning Standard Number One, Change 3 dated October 16, 1975.

While discontinuance criteria have been similarly tightened for new facilities, FAA has maintained "grandfather" clauses for towers commissioned under previous establishment criteria. The "grandfather" approach relates discontinuance of an existing tower to the criteria in effect at the time the tower was programmed or established. The effect of this approach is to protect towers already in service from the same scrutiny required of newer facilities.

ATCT establishment and discontinuance criteria were last revised in October 1975. This revision based criteria on economic analysis. However, when revised criteria were adopted in 1975, grandfather clauses for discontinuance were retained because economic studies of this problem had not yet been completed. Towers programmed prior to 1977 continued to be evaluated using discontinuance criteria in effect at the time the particular tower was programmed. Those programmed during or after 1977 under current establishment criteria must meet much more rigorous discontinuance criteria and undergo site-specific benefit-cost analysis. This benefit-cost approach identifies a location as being a candidate for discontinuance wherever benefits from continued tower operation are less than current operating and maintenance costs.

Some towers "protected" by the grandfather approach have been operating since the 1950's with no real pressure to discontinue operations. This may have stemmed from the realization that there were relatively few affected locations. However, with the third (1975) revision of establishment criteria, FAA became concerned over the possible cumulative impact of criteria on ATCT closures. Additionally, during coordination of proposed tower criteria, several industry groups questioned the rationale for retaining grandfather clauses. The General Accounting Office also has questioned the continued use of these clauses for tower discontinuance. This led to an examination of the desirability of continuing that approach. FAA, as part of a preliminary study, has applied the recently adopted, economically based discontinuance criteria to existing tower locations to test the impact of eliminating grandfather clauses. The results are significant in that out of an inventory of 425 commissioned towers, 73 locations are identified where in FY 1978 discounted costs of operation will exceed quantified benefits of enhanced safety and improved efficiency of airport operations. In contrast, if grandfather clauses are retained (for towers programmed prior to 1977), only 8 sites are currently candidates for discontinuance according to FY 1978 forecast operations data. It is estimated that closure of each existing tower will result in an annual per-site saving of approximately $200,000 on the basis of operating and maintenance (O&M) costs. Net savings, i.e., cost less benefit, would be less.

A decision regarding ATCT closures has not yet been made by the agency. Efforts to consolidate services, even where no service was being lost (flight service station automation, for example), have shown the sensitivity to changes in the system especially where facility closures are involved.

The benefit-cost approach for screening candidates for tower discontinuance (those that are established or programmed during or after 1977) compares annual operating and maintenance costs to the analytically derived dollar value of benefits. ATCT benefits include the reduction of expected collision and accident rates and reduced landing delays. Considered in the benefit-cost methodology are a mix of aircraft types (air carrier, air taxi, general aviation, and military) and levels of local and itinerant traffic operating within the terminal area. Also considered are the percentage of passengers and crew aboard each generic category of aircraft who might be fatally or seriously injured should a collision or other type of tower-preventable accident occur. Potential aircraft losses including accident investigation costs and cargo value are also factored into the benefit-cost analysis. Costs and benefits are discounted over a 15-year forecast period at an annual rate of 10 percent. Aircraft activity forecast data is obtained from the official FAA Terminal Area Forecast. When 15-year discounted costs of continued tower operation exceed discounted benefits, the facility is validated for discontinuance.

At present there is no known way to quantify benefits associated with a tower being operated as part of a larger National Aviation System, and thus such benefits are excluded from current criteria consideration. While the omission of such benefits in determining new tower establishments is a practical necessity, it might be argued that once a tower is commissioned, intangible system benefits are a factor which must somehow be explicitly considered in any disestablishment discussion. The extent to which this is a decision factor influences the choice of alternatives which FAA pursues. This factor is discussed in the alternatives below.

Report Number FAA-ASP-77-6, "An Analysis of Continued Operation of Selected Airport Traffic Control Towers," available from FAA, provides a comprehensive description of the benefit-cost approach to assess the merits of continued Federal funding of towers. The report identifies 73 towers with costs exceeding quantified benefits over a 15-year forecast period (FY 1978-92). Should ATCT discontinuance criteria be revised to delete grandfather clauses, it is anticipated that Report FAA-ASP-77-6 would provide a substantial portion of the approach methodology and justification. Much of the background data for the following alternatives can be found in the report. Copies are available from the Federal Aviation Administration, Office of Aviation System Plans.

ALTERNATIVES

The FAA invites all interested parties to comment on alternative approaches to the discontinuance or continued Federal operation of certain airport traffic control towers. In light of the foregoing discussion of background and historical pattern of ATCT criteria development, the agency can proceed according to one of several alternative lines. Possible alternatives on Federal decisions regarding closure of towers are to:

1. Continue Federal operation of all existing towers.
2. Apply existing ATCT discontinuance criteria which identify eight potential sites for discontinuance in FY 1978.
3. Cease operation of all (73) towers at which there is a net operating loss (O&M costs exceed benefits expected during the period FY 1978-92).
4. Cease operation of a portion (about 35-40) of the "noneconomic" towers.
5. Continue Federal operation, until FY 1980, of all towers at which there is a net operating loss with the intention of affording to state or local interests an opportunity to assume operation by that time.

Recommendations are needed on which alternative action the FAA should pursue. The rationale for each alternative follows.

1. *Continue Federal operation of all existing towers.* Retaining all towers continues Federal subsidization regard-

less of economic merit of continued operation. Although the FAA is considering the closure of a limited number of towers, to date only one facility has been decommissioned on the basis of cost-saving considerations.

The rationale for retaining towers must be based on the forecast growth of aircraft operations; that is, with the passage of time, increased operational activities will eventually result in benefits exceeding O&M costs. The longer the agency defers criteria application, the fewer sites for discontinuance are identified. By virtue of revised establishment criteria, we are assured that no new poor investments will enter the system and normal traffic growth will cause those in the system to look increasingly better. Not decommissioning towers will keep the aviation system operating at current status, providing historical levels of service.

There is a fundamental problem with this approach, however. Retaining the status quo permits tower continuance to remain influenced largely by the interests of those most immediately affected, rather than by the public interest in optimizing the National Aviation System as a whole. Significant funds would be lost by failing to discontinue towers identified by criteria. For example, the net discounted "loss" (costs less benefits) of continuing to operate all 73 towers where operating and maintenance costs exceed benefits is $22 million for the 15-year period FY 1978–92. Thus, it could be said that persons favoring this alternative value current "system benefits" of operating these towers over the 15-year period at $22 million. Appendix A lists those 73 tower locations where O&M costs exceed benefits for FY 1978–92.

2. *Apply existing ATCT discontinuance criteria.* This approach would discontinue Federal operation of all towers identified by current discontinuance criteria. Closure of the eight towers expected to be identified for discontinuance in FY 1978 (See Appendix B for affected sites) amounts to a total annual saving of $1.7 million in operating and maintenance costs. Discounted net savings, i.e., factoring in benefits of continued facility operations, amount to $4 million over the period FY 1978–92. Persons favoring this alternative would be said to assign continued operation of the remaining 65 (73 minus 8) towers a "system benefit" of $18 million ($22 million minus $4 million).

This approach has the beneficial impact of discontinuing operations of the economically poorest tower locations while not imposing subsequent benefit-cost analysis on capital investments made on other bases. Because of the more stringent establishment criteria, no poor new investment will enter the system, and expected increases in activity will make the remaining towers look economically better. However, retention and application of existing criteria, while making some improvement in the fiscal soundness of the aviation system, continues Federal operation of numerous locations which are not expected to be economically viable in the near future. This could be an argument against continued investment in new aviation facilities since present funds are not used to maximum advantage.

3. *Cease operation of all towers which yield an economic loss.* This approach is to terminate operation of all 73 towers at which operating and maintenance costs are expected to exceed the benefits of continued tower operation (Appendix A). When benefits do not exceed O&M costs, it can be argued that even if the "sunk cost" of constructing the tower is ignored, continued tower operation is an unjustifiable subsidy and should be discontinued. Closure of 73 facilities with costs exceeding benefits would result in an annual reduction in O&M costs of $14 million per year or net discounted costs less benefits of $22 million over 15 years. Since such a decision is based solely on quantifiable (safety and efficiency) benefits, it implies that any system benefit attributed to a tower has no value. Further, this approach gives no weight to the possibility that a tower might requalify for establishment within, say, a 10- to 15-year period. Thus, an argument for continued tower operation is the saving of capital funds required for ATCT reestablishment several years hence had the tower first been closed.

4. *Cease operation of a portion of the "noneconomic" towers.* This approach would be to discontinue service of a portion of the 73 towers where costs of continued Federal operation exceed aviation benefits. The process would not be arbitrary but would be based on a systematic accounting of factors beyond quantifiable costs and benefits. An example of such an approach would be to eliminate from discontinuance consideration all "noneconomic" towers expecting to meet establishment criteria within 15 years. That is, tower service would not be discontinued if it is expected to be renewed within 15 years. (See Appendix C for affected facilities.) This would ensure that towers discontinued on the basis of lack of economic merit would not qualify for reestablishment during a reasonable time frame and thus not require substantial new investment of capital funds. Because establishment criteria explicitly include amortized construction costs, requalification for service will be dependent upon substantial increases in total airport operations or the emergence of considerable air carrier or air taxi activity.

Nonetheless, it is currently estimated that of 73 tower sites operating at an economic loss, 38 locations would meet or exceed current benefit-cost tower establishment criteria by FY 1992. On this basis, 35 towers would qualify for discontinuance of service under this alternative. This represents a 52 percent decrease in the number of identified facilities when compared to the decision rule basing tower closure entirely on current economic merit (Alternative 3). Closure of 35 towers would result in a net "saving" of $16 million over the FY 1978–92 period, or 73 percent of the total $22 million "saving" should all 73 facilities be discontinued. Thus, persons favoring this alternative could be said to value the "system benefit" of towers at $6 million ($22 million minus $16 million).

However, continuing operations at 38 financially unsound towers would mean in excess of $7 million for O&M expenditures annually, which could be viewed as an unwarranted Federal subsidy until such time as the towers requalified for establishment. Further, if a considerable number of these facilities do not meet establishment levels within 15 years, the FAA would have continued to subsidize a significant number of towers on the basis of an unfulfilled expectation of traffic increase.

5. *Continue Federal operation until 1980 with the intention of affording to state or local interests an opportunity to assume operation by that time.* This approach would continue Federal operation for only two years at all towers at which operating and maintenance costs exceed benefits of retention of service. State or local interests would be encouraged to use this transition period to assess their position on whether or not to assume operations funding, presumably on the basis that significant state and local benefits are not recognized in FAA's economic analysis. In the event that, within two years, tower activity grows to levels exceeding discontinuance standards (benefits equal to or exceeding costs), the Federal Government would continue operation.

Of 73 towers that show a net discounted 15-year economic loss (costs exceeding benefits for FY 1978–92), 13 facilities are expected to yield a net discounted economic profit (benefits equal to or exceeding costs) within two years. Thus, the Federal Government would be expected to cease operations at 60 locations by 1980 if state or local interests do not take over. (See Appendix D.) Cessation of activity at all 60 sites represents a net saving of $21 million over FY 1978–92. Thus, a person advocating this approach could be said to value the "system benefit" of towers at $1 million ($22 million minus $21 million).

Continued state or local operation of these 60 towers, while not cost-beneficial at the Federal level, would be at the option of state and local officials who themselves would determine if such operation is warranted by payoffs associated with tower continuance. On the other hand, it could be argued that if the towers warrant being retained in the National Aviation System, they should be operated and maintained by the Federal Government, not numerous separate government entities.

The Federal Aviation Administration invites comments and suggestions on the above alternatives from all interested parties. Written comments should be directed to:

Federal Aviation Administration, Director, Office of Aviation System Plans, ASP–1, 800 Independence Avenue, S.W., Washington, D.C. 20591. Attention: Notice of Policy Formulation.

Copies of all referenced literature can be obtained from that office. All com-

ments received before October 15, 1977, will be considered prior to a decision on application of ATCT criteria for discontinuance.

Issued at Washington, D.C. August 23, 1977.

QUENTIN S. TAYLOR,
Acting Administrator.

APPENDIX A

Listing of 73 ATCT's Identified by Alternative 3 (Cease operation of all towers which yield an economic loss).

Alaska

Kodiak — Valdez

Arizona

Flagstaff — Goodyear

Arkansas

Pine Bluff — West Memphis
Texarkana

California

Chico — Merced
Fresno (Chandler) — Redding
Imperial — Salinas
Marysville

Florida

Jacksonville (Craig) — St. Petersburg
Key West — (Whitted)
Miami (Dade)

Georgia

Athens — Valdosta
Brunswick

Idaho

Twin Falls

Illinois

Bloomington — Galesburg
Danville — Marion

Indiana

Bloomington — Terre Haute
Muncie

Kansas

Hutchinson

Kentucky

Owensboro — Paducah

Louisiana

Alexandria

Maryland

Hagerstown

Michigan

Benton Harbor — Traverse City

Mississippi

Greenville — Meridian
Jackson (Hawkins)

Missouri

Cape Girardeau — St. Joseph
St. Louis (Spirit of)

New Mexico

Hobbs — Santa Fe

New York

Ithaca — Poughkeepsie

North Carolina

Hickory — New Bern
Kinston

Ohio

Cleveland (Burke)

Oklahoma

Ardmore — Lawton
Enid

Oregon

Pendleton

Puerto Rico

Mayaguez

South Carolina

Florence — Myrtle Beach
Greenville — Spartanburg

Tennessee

Knoxville
(Downtown)

Texas

Brownsville — Laredo
College Station — McAllen
Harlingen — Plainview

Utah

Ogden

Washington

Olympia — Walla Walla
Tacoma (Industrial)

West Virginia

Lewisburg — Wheeling

Wisconsin

Appleton

APPENDIX B

Listing of 8 ATCT's Identified by Alternative 2. (Apply existing ATCT discontinuance teria).

Alaska

Kodiak

Arkansas

Pine Bluff — West Memphis

California

Marysville

Florida

Miami (Dade)

Illinois

Danville

Puerto Rico

Mayaguez

Wisconsin

Appleton

APPENDIX C

Listing of 35 ATCT's Identified by Alternative 4 (Cease operation of a portion of the "noneconomic" towers).

Alaska

Kodiak — Valdez

Arkansas

Pine Bluff — West Memphis

California

Fresno (Chandler) — Marysville

Florida

Miami (Dade)

Georgia

Athens — Valdosta
Brunswick

Idaho

Twin Falls

Illinois

Danville — Galesburg

Kentucky

Owensboro

Maryland

Hagerstown

Missouri

St. Louis (Spirit of) — St. Joseph

New Mexico

Hobbs — Santa Fe

New York

Ithaca — Poughkeepsie

North Carolina

Kinston — New Bern

Puerto Rico

Mayaguez

South Carolina

Myrtle Beach — Spartanburg

Tennessee

Knoxville (Downtown)

Texas

Brownsville — Plainview
Laredo

Washington

Olympia — Walla Walla
Tacoma (Industrial)

West Virginia

Lewisburg — Wheeling

APPENDIX D

Listing of 60 ATCT's Identified by Alternative 5 (Continue federal operation until 1980).

Alaska

Kodiak — Valdez

Arizona

Flagstaff

Arkansas

Pine Bluff — West Memphis
Texarkana

California

Fresno (Chandler) — Merced
Imperial — Redding
Marysville — Salinas

Florida

Jacksonville (Craig) — St. Petersburg
Miami (Dade) — (Whitted)

Georgia

Athens — Valdosta
Brunswick

Idaho

Twin Falls

Illinois

Danville — Marion
Galesburg

Indiana

Bloomington — Terre Haute

Kansas

Hutchinson

Kentucky

Owensboro

Louisiana

Alexandria

Maryland

Hagerstown

Mississippi

Greensville — Meridian
Jackson (Hawkins)

Missouri

St. Louis (Spirit of) — St. Joseph

New Mexico

Hobbs — Santo Fe

New York

Ithaca — Poughkeepsie

North Carolina

Hickory
Kinston
New Bern

Oklahoma

Ardmore
Enid
Lawton

Oregon

Pendleton

Puerto Rico

Mayaguez

South Carolina

Greenville
Myrtle Beach
Spartanburg

Tennessee

Knoxville (Downtown)

Texas

Utah

Utah

Ogden

Washington

Olympia
Tacoma (Industrial)
Walla Walla

West Virginia

Laredo
Plainview
Wheeling
Brownsville
Harlingen
Lewisburg

Wisconsin

Appleton

[FR Doc.77-25426 Filed 8-31-77;8:45 am]

Office of Pipeline Safety Operations

[Notice No. 77-5; Docket No. OPSO-47]

GAS PIPELINE SAFETY

Grant-in-Aid Program

This notice is issued to inform the public of the criteria and procedures established by the Materials Transportation Bureau (MTB) for determining a State's eligibility to participate in the grant-in-aid program under Section 5(f) of the National Gas Pipeline Safety Act, as amended (49 U.S.C. 1674(f)) (the Act). Although monies are not presently available to fund the Section 5(f) grant program, the following detailed information is provided so that States may have a factual basis for expressing, to MTB, their desire to participate in such a program. Knowing the extent of State interest will then allow MTB to accurately estimate the level of funding necessary to fuly implement the Section 5(f) grant program.

Section 5(f) was enacted by Pub. L. 94-477 on October 11, 1976 (Natural Gas Pipeline Safety Act of 1968, Amendments of 1976), and provides:

(f)(1) During the fiscal year ending September 30, 1978, the Secretary shall, in accordance with regulations issued by the Secretary taking into account the needs of the respective States, pay to each State agency out of funds appropriated or otherwise made available one hundred percent of the cost (not to exceed $60,000 for each State agency) of not more than three full-time natural gas pipeline safety inspectors in addition to, and not in lieu of, the number of natural gas pipeline safety inspectors maintained by such State agency in calendar year 1977.

(2) Not later than September 30, 1977, any State may apply to receive funds under paragraph (1) for the calendar year 1978.

(3) Each State agency which receives funds under paragraph (1) shall continue to maintain during calendar years 1979 and 1980 not less than the number of full-time natural gas pipeline safety inspectors which were maintained by such State agency in calendar year 1978.

(4) Any State in which the State agency fails to meet its obligations under paragraph (3) shall reimburse the Secretary for a sum equal to 50 percent of the funds received by such State under this subsection in proportion to which such State agency has failed to meet its obligations.

In order to take "* * * into account the needs of the respective States" it became necessary for MTB to determine the level of inspection effort that would be reasonably required by each State agency to maintain a satisfactory gas pipeline safety program. MTB recognized that this determination was of major significance in deciding a State's eligibility to receive Section 5(f) funding. The appropriateness of several criteria including miles of pipelines, age of pipelines, number of services, corrosive nature of States' soil, geographic area of the State, number, size, and quality of gas operators, number of gas incidents and fatalities were considered for making this determination. After carefully reviewing the propriety of each criterion and the availability of data, MTB decided that the level of inspection effort for each State would be based on the following three criteria: (1) Number of metered gas services, (2) miles of distribution main (for States acting as DOT's interstate agent, includes miles of transmission), and (3) number of distribution operators. Moreover, statistical data relating to these three criteria would be obtained from the MTB data bank developed from the 1975 Distribution and Transmission annual reports.

In order to arrive at a correlation between the chosen criteria and an adequate inspection effort that would be applicable to all States, MTB considered it a sound approach to base the correlation on program data of selected State agencies that are thought to have "good gas pipeline safety programs." In response to this approach, State agencies with such programs were identified by the MTB Regional Chiefs, their opinion being based on various factors including MTB internal State monitoring records.

Data was subsequently retrieved from MTB's data bank concerning the number of services, miles of pipline, number of operators subject to State jurisdiction, and the person-years currently expended on inspection by the above selected States. MTB then related, by graphical representation, each of the three chosen criteria to the level of inspection effort currently being expended. From the graphical representations, "approximate regression curves" were established which approximated the correlation between each of the three criteria and inspection effort. These curves were used in conjunction with MTB's judgment to develop the following mathematical formulas for determining the satisfactory level of inspection effort in person-years under each criterion:

Number of Services

1. Less than 900,000 services in State inspection;

$$\text{Inspection effort}^1 = .5 + \frac{\text{Number of Services in State.}}{200{,}000 \text{ services}}$$

2. More than 900,000 services in State inspection;

$$\text{Inspection effort}^1 = 5.0 + \frac{\text{Number of Services in State, 900,000 services}}{1{,}000{,}000 \text{ services}}$$

Miles of Pipeline

1. Less than 20,000 miles in State inspection:

$$\text{Inspection effort}^1 = .5 + \frac{\text{Miles in State.}}{4{,}000 \text{ miles}}$$

2. More than 20,000 miles in State inspection:

$$\text{Inspection effort}^1 = 5.5 + \frac{\text{Miles in State—20,000 miles.}}{15{,}000 \text{ miles}}$$

Number of Operators

$$\text{Inspection effort}^1 = .5 + \frac{\text{Number of Operators in State.}}{18 \text{ operators}}$$

[1] In person-years.

The resulting inspection effort under each criterion was then averaged giving equal weight to each criterion. MTB considered that this average represented the person-years of inspection effort that a State must devote to gas pipeline safety to maintain a good program. The average for each State calculated as described above is available from MTB upon request. Because of the unavailability of data concerning master meter operators, person-year requirements as calculated by MTB do not reflect a State's inspection requirements over master meter operators. Therefore, those States having jurisdiction over master meters and/or petroleum gas operators and desiring to participate in the 5(f) funding program should inform MTB of the need to adjust the calculations regarding person-year requirements.

Section 5(f) provides that 100 percent funding will be available only for inspectors that are in addition to and not in lieu of the number of natural gas pipeline safety inspectors maintained by a State agency in calendar year 1977. To determine the "1977 Level of Inspection Effort," MTB used the most current data available. This information was obtained from Attachment 6 of the 1977 5(a) certifications and 5(b) agreements and re-

lates to inspection effort being expended by States on January 1, 1977. This information is also available from MTB upon request.

However, the true "1977 Level of Inspection Effort" should reflect any increases or decreases of person-years of inspection effort made in a State program between January 1, 1977, and the time their letter of intent to participate in the 5(f) funding program was submitted to MTB. Therefore, when applicable, a State must adjust the January 1, 1977, figures to reflect such increases or decreases. Since the person-years a State devotes to pipeline safety is not constant and change from day to day, the adjustment must be accomplished by calculating the average increase or decrease of person-years the State devoted to pipeline safety from January 1, 1977, to the time their letter of intent was submitted to MTB.

For a State to be eligible to receive section 5(f) funding, a deficiency of inspection effort, determined by subtracting the 1977 level of inspection effort (adjusted if necessary) from the level of inspection effort required to maintain a good gas pipeline safety program (as calculated by MTB), must exist.

Although inspection effort deficiencies often contain fractional person-years, MTB believes that eligibility for 5(f) funding should be expressed in terms of whole person-years. This would avoid the problem of a State having to decide whether to hire a full-time gas pipeline safety inspector to cover a fractional person-year deficiency, knowing that if the full-time inspector is hired only that portion of his inspection effort equal to the fractional deficiency will be eligible for 5(f) reimbursement. Expressing 5(f) eligibility in terms of whole person-years also eases the burden of States and the MTB in administering the 5(f) program. Therefore, MTB has decided that in arriving at the maximum person-years that can qualify for 100 percent Federal reimbursement under section 5(f), all fractional person-year deficiencies will be rounded as follows: Deficiencies of .25 or greater rounded up to the nearest whole number, to a maximum of 3 person-years; deficiencies of .24 or less rounded down to the nearest whole person-year (including zero person-years).

Table I below shows, for each State, the number of person-years qualifying for 5(f) funds based on the person-year deficiencies arrived at by MTB using the calculations described above.

Table I

Schedule of States Qualifying for Section 5(f) Funding *

State	Person-years Qualifying for 5(f) funds
Alabama	0
Alaska	1
Arizona	2
Arkansas	0
California	3
Colorado	1
Connecticut	1
Delaware	1
Florida PSC	0
Florida Fire Marshal	3
Georgia	0
Hawaii	1
Idaho	1
Illinois	2
Indiana	3
Iowa	3
Kansas	3
Kentucky	0
Louisiana	1
Maine	0
Maryland	2
Massachusetts	3
Michigan	2
Minnesota	0
Mississippi	0
Missouri	1
Montana	1
Nebraska	1
Nevada	0
New Hampshire	1
New Jersey	1
New Mexico	1
New York	0
North Carolina	0
North Dakota	1
Ohio	2
Oklahoma	2
Oregon	0
Pennsylvania	1
Rhode Island	0
South Carolina	0
South Dakota	1
Tennessee	0
Texas	3
Utah	1
Vermont	1
Virginia	1
Washington	1
West Virginia	0
Wisconsin	3
Wyoming	0
District of Columbia	1
Puerto Rico	0
TOTAL	57

* The above figures are only valid if adjustments to reflect a State's jurisdiction over master meter operators and/or petroleum gas operators or changes to the January 1, 1977, level of inspection effort are unnecessary.

MTB also made the following determinations relevant to section 5(f):

1. *Cost of an Inspector.* Costs qualifying for 5(f) funds include, in addition the gas inspector's salary, all expenses which are directly related to his inspection activity (such as training, travel, etc.). However, 100 percent reimbursement for these expenses under section 5(f) may not exceed $60,000 for each State agency or $25,000 for any one inspector. Expenses in excess of these amounts may be eligible for up to 50 percent reimbursement under section 5(c) of the Natural Gas Pipeline Safety Act of 1968.

2. *Eligibility for Section 5(f) Funding Program.* State agencies that qualify

for section 5(f) funding (see Table I) and that desire to participate in the section 5(f) funding program must indicate their intent to participate in writing by September 30, 1977 to:

Director, Materials Transportation Bureau, Department of Transportation, 2100 Second Street SW., Washington, D.C. 20590

Any eligible State agency that intends to participate in the section 5(f) funding program must also participate in the 1978 gas pipeline safety grant-in-aid program authorized by section 5(c) of the Act, and must submit the required MTB forms for participation in the section 5(c) funding program by September 30, 1977.

3. *Recordkeeping requirements.* Each State participating in the section 5(f) funding program will be responsible for insuring that the Procedural Guide for the Gas Pipeline Safety Grant Program (copies will be made available upon request to the above address is followed and that program funds have been accounted for under its provisions. Section 225.10(b) of the Guide requiring daily time records showing the status of each gas pipeline safety employee for the total day must be stringently followed in order to qualify for 100 percent reimbursement of section 5(f) funds.

4. *Request for Reimbursement Under Section 5(f).* State agencies will be reimbursed for expenses under section 5(f) in accordance with section 190 of the Procedural Guide for the gas pipeline safety program. Reimbursement under section 5(f) will be achieved by submitting a supplemental form which will be included in the 1978 yearend request for reimbursement form. No reimbursement for 5(f) funds will be made at midyear. This form, which will be mailed in January of 1979, will require the person-years qualified for reimbursement under section 5(f) to be calculated in the following manner:

Line (A) total technical person-years expended in 1978.

Line (B) total technical person-years expended in 1977.[1]

Line (C) total additional person-years expended in 1978 (line A less line B).

Line (D) maximum person-years eligible for section funds per Table I of this notice.

Line (E) person-years qualifying for section 5(f) funds (line C or line D whichever is less).

[1] NOTE.—Must reflect the increases or decreases in person-years expended made in the State's gas pipeline safety program from January 1, 1977, and the time the letter of intent to participate in the 5(f) funding program was submitted to MTB.

EFFECTIVE DATE

The criteria and procedures established by this notice are effective on August 29, 1977. However, comments on this notice will be considered by MTB and may be a basis for amending this notice.

PRINCIPAL AUTHORS

The principal authors of this notice are James M. Cayelli, State Programs Officer, and Robert L. Beauregard, Attorney, Office of the General Counsel.

Address: Send comments to:

Director, Office of Pipeline Safety Operations, Department of Transportation, Trans Point Building, 2100 Second Street SW., Washington, D.C. 20590.

(49 U.S.C. 1674(f), 49 CFR 1.53(a))

CESAR DELEON,
Acting Director, Office of Pipeline Safety Operations.

[FR Doc.77-25057 Filed 8-31-77;8:45 am]

National Highway Traffic Safety Administration

NATIONAL HIGHWAY SAFETY ADVISORY COMMITTEE

Notice of Public Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463; 5 U.S.C. App. I), notice is hereby given of a meeting of a special planning group of the National Highway Safety Advisory Committee to be held September 21, 1977, at the Denver Marina Hotel, 303 W. Colfax Street, Denver, Colorado.

The planning group will meet for one day from 8:30 a.m. to 5:00 p.m. to plan future meeting schedules and agendas for the full Committee's work over the next year.

Attendance is open to the interested public but limited to the space available. Meeting room will be posted on the hotel meeting board. With the approval of the Chairman, members of the public may present oral statements at the meeting. Any member of the public may present a written statement to the Committee at any time.

This meeting is subject to the approval of the Secretary of Transportation.

Additional information may be obtained from the NHTSA Executive Secretary, Room 5215, 400 Seventh Street, SW., Washington, D.C. 20590, telephone 202-426-2872.

Issued in Washington, D.C., on August 26, 1977.

WM. H. MARSH,
Executive Secretary.

[FR Doc.77-25375 Filed 8-31-77;8:45 am]

TRUCK AND BUS SAFETY SUBCOMMITTEES

Cancellation of Public Meeting

On August 18, 1977 notice of a public meeting of the Truck and Bus Safety Subcommittees was published in the FEDERAL REGISTER. This meeting was scheduled to take place on September 7 at the DOT Headquarters Building in Washington, D.C. The items on the agenda for the meeting will be taken up at the Truck and Bus Safety Subcommittees meeting on September 20.

Additional information may be obtained from the NHTSA Executive Secretary, Room 5215, 400 Seventh Street SW., Washington, D.C. 20590, telephone 202-426-2872.

Issued in Washington, D.C. on: August 29, 1977.

WM. H. MARSH,
Executive Secretary.

[FR Doc.77-25468 Filed 8-31-77;8:45 am]

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

[Notice No. 77-12]

ADVISORY COMMITTEE ON EXPLOSIVES TAGGING

Closed Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), notice is hereby given that a closed meeting of the Advisory Committee on Explosives Tagging will be held on September 29, 1977, at the Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C., Room 5041 beginning at 9:00 a.m. (e.d.t.).

The Advisory Committee will discuss detailed proprietary scientific and technical data concerning various candidate explosive tagging systems that can be used in the detection and identification of explosives. The information which will be presented and discussed during the meeting will constitute trade secrets and commercial or financial information obtained from a person and privileged or confidential within the ambit of Title 5, United States Code, Section 552b(c)(4). Accordingly, the meeting of the Advisory Committee will, under authority of Section 10(d) of the Federal Advisory Committee Act (Public Law 82-463), not be open to the public.

All communications regarding this Advisory Committee meeting should be addressed to the Bureau of Alcohol, Tobacco and Firearms, Washington, D.C. 20226, Attention: Mr. Robert F. Dexter, Committees Manager, Technical Services Division, Explosives Technology Branch. Room 8233.

Dated: August 22, 1977.

REX D. DAVIS,
Director, Bureau of Alcohol, Tobacco and Firearms.

[FR Doc.77-25415 Filed 8-31-77;8:45 am]

WATER RESOURCES COUNCIL

WATER RESOURCES POLICY REVIEW

Change of Schedule

The Chairman of the Water Resources Council, Secretary of the Interior Cecil B. Andrus announced on August 26th a change in the schedule of the national water resources policy review. He set November 20, 1977 as the date for the closing of the record for public comments on the option papers published in the FEDERAL REGISTER on August 19, 1977, Vol. 42, No. 161, page 41943. Previously, the time for completion of the review has been extended by 90 days, so that the President's decision in regard to policy changes would be made in February 1978.

GUY R. MARTIN,
Alternate to the Chairman, Water Resources Council, Chairman, Water Resources Policy Committee.

AUGUST 29, 1977.

[FR Doc.77-25535 Filed 8-31-77;8:45 am]

INTERSTATE COMMERCE COMMISSION

[No. 469]

ASSIGNMENT OF HEARINGS

AUGUST 29, 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 58035 (Sub-No. 12), Trans-Western Express, LTD., now assigned September 20, 1977, at Denver, Colo., will be held in Room 595 Federal Courthouse, 1961 Stout Street.

MC 1977 (Sub-No. 26), Northwest Transport Service, Inc., now assigned September 21, 1977, at Denver, Colo., will be held in Room 595, Federal Courthouse, 1961 Stout Street.

MC 118431 (Sub-No. 24), Denver Southwest Express, Inc., now assigned September 26, 1977, at Denver, Colo., will be held in Room 595, Federal Courthouse, 1961 Stout Street.

AB 119 (Sub-No. 1), Fort Worth and Denver Railway Company, Abandonment Between Sterley and Silverton in Floyd and Briscoe Counties, Tex., now assigned September 29, 1977, at Plainview, Tex., will be held in 64th District Courtroom, Hale County Courthouse.

MC 143013, Roger Chilton, d.b.a. Chilton Trucking Co., now assigned October 3, 1977, at Houston, Tex., will be held in Tax Court, Room 7006, Federal Building & Courthouse, 515 Rusk Ave.

MC 2900 (Sub-No. 293), Ryder Truck Lines, Inc., now being assigned for continued hearing on November 7, 1977 (2 weeks), at Atlanta, Ga., at the Atlanta American Motor Hotel, Carnegie Way and Spring Street.

MC 133689 (Sub-No. 104), Overland Express, Inc., now being assigned November 1, 1977 (2 days), at St. Paul, Minn., in a hearing room to be later designated.

MC 133689 (Sub-No. 120), Overland Express, Inc., now being assigned November 3, 1977 (2 days), at St. Paul, Minn., in a hearing room to be later designated.

MC 140942 (Sub-No. 1), Cloverdale Transportation Co., now being assigned November 7, 1977 (1 day), at St. Paul, Minn., in a hearing room to be later designated.

MC 112805 (Sub-No. 3), St. Cloud Charter Service, Inc., now being assigned November 8, 1977 (2 days), at St. Paul, Minn., in a hearing room to be later designated.

MC 134477 (Sub-No. 14), Schanno Transportation, Inc., now being assigned November 10, 1977 (2 days), at St. Paul, Minn., in a hearing room to be later designated.

MC 66746 (Sub-No. 19), John L. Kerr & G. O. Kerr, Jr., d.b.a. Shippers Express, now assigned October 31, 1977, in Jackson, Miss., is canceled and application dismissed.

MC 129600 (Sub-No. 28), Polar Transport, Inc., now being assigned November 8, 1977 (1 day), for hearing in Miami, Fla., in a hearing room to be later designated.

MC 105813 (Sub-No. 219), Belford Trucking Co., Inc., now being assigned November 9, 1977 (3 days), for hearing in Miami, Fla., in a hearing room to be later designated.

MC 115491 (Sub-No. 133), Commercial Carrier Corp., now being assigned November 4, 1977 (1 day), for hearing in Tampa, Fla., in a hearing room to be later designated.

MC 118159 (Sub-No. 205), National Refrigerated Transport, Inc., now being assigned November 15, 1977 (1 day), for hearing in Tampa, Fla., in a hearing room to be later designated.

MC 142672 (Sub-No. 4), David Beneux Produce & Rucking, Inc., now being assigned October 6, 1977 (1 day), at Philadelphia, Pa., in a hearing room to be later designated.

MC 117119 (Sub-No. 632), Willis Shaw Frozen Express, Inc., and MC 133566 (Sub-No. 89), Gangloff & Downham Trucking Company, Inc., now being assigned October 7, 1977 (1 day), at Philadelphia, Pa., in a hearing room to be later designated.

MC 107295 (Sub-No. 844), Pre-Fab Transit Co., now assigned October 12, 1977, at Columbus, Ohio, will be held in Room 235, Federal Bldg., 85 Marconi Blvd.

MC 106398 (Sub-No. 770), National Trailer Convoy, Inc., now assigned October 13, 1977, at Columbus, Ohio, will be held in Room 235, Federal Bldg., 85 Marconi Blvd.

MC 103066 (Sub-No. 54), Stone Trucking Co., now assigned October 14, 1977 at Columbus, Ohio, will be held in Room 235, Federal Bldg., 85 Marconi Blvd.

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

[FR Doc.77-25589 Filed 8-31-77;8:45 am]

[Notice No. 216]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

The following publications include motor carrier, water carrier, broker, and freight forwarder transfer applications filed under sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act.

Each application (except as otherwise specifically noted) contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application.

Protests against approval of the application, which may include a request for oral hearing, must be filed with the Commission by October 3, 1977. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest must be served upon applicants' representative(s), or applicants, if no such representative is named), and the protestant must certify that such service has been made.

Unless otherwise specified, the signed original and six copies of the protest shall be filed with the Commission. All protests must specify with particularity the factual basis, and the section of the Act, or the applicable rule governing the proposed transfer which protestant believes would preclude approval of the application. If the protest contains a request for oral hearing, the request shall be supported by an explanation as to why the evidence sought to be presented cannot reasonably be submitted through the use of affidavits.

The operating rights set forth below are in synopses form, but are deemed sufficient to place interested persons on notice of the proposed transfer.

No. MC-FC-77244, filed August 3, 1977. Transferee: Jackie R. Smithson, Sr., Doing Business As Jack's Wrecker Service, 5913 South Broadway, Oklahoma City, Okla. 73109. Transferor: J. V. Harrison, doing business as Harrison Wrecker Service, 1405 SW. 26 Street, Oklahoma City, Okla. 73108. Applicants' representative: Charles D. Dudley, 280 National Foundation Life Bldg., 3535 NW 58th St., Oklahoma City, Okla. 73112. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC 134390 (Sub-No. 1), issued July 16, 1973, as follows: (1) Wrecked or disabled motor vehicles (except trailers designed to be drawn by passenger automobiles), from points in Arkansas, Colorado, Kansas, Louisiana, Missouri, Nebraska, New Mexico, and Texas, to Oklahoma City, Okla.; and (2) replacement vehicles for wrecked or disabled motor vehicles in (1) above, by use of wrecker equipment only, from Oklahoma City, Okla., to points in Arkansas, Colorado, Kansas, Louisiana, Missouri, Nebraska, New Mexico, and Texas. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under section 210a(b).

No. MC-FC-77252, filed August 5, 1977. Transferee: Gary D. Allen, P.O. Box 14, Kirk, Colo., 80824. Transferor: John G. Riedesel, Doing Business As Riedesel Truck Line, P.O. Box 11, Kirk, Colo. 80824. Applicants' representative: Charles M. Williams, KIMBALL AND WILLIAMS, P.C., 350 Capitol Life Center, 1600 Sherman Street, Denver, Colo. 80203. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC 103331 issued November 29, 1965, as follows: Livestock, agricultural commodities, feed, fertilizer, farm machinery, and implements and parts threfor, and emigrant movables, between points in a described portion of Colorado; between points in a described portion of Colorado on the one hand, and, on the other, points in Dundy County, Nebr., and points in a described portion of Kansas; restriction: The service authorized above is restricted against operation between incorporated municipalities on U.S. Highway 36 from Cope, Colo., to the Colorado-Kansas State line, inclusive, and operation in the transportation of emigrant movables between incorporated municipalities in the described territory; Livestock and grain from points in a described portion of Yuma and Kit Carson Counties, Colo., to St. Francis, Kans.; and General commodities, with normal exceptions, between points in Yuma, Kit Carson, and Washington Counties, Colo., on the one hand, and, on the other, rail heads in Yuma, Kit Carson, and Washington Counties, Colo. Transferee is presently authorized to operate as a common carrier under Certificate No. MC 97471 (Sub-No. 2). Application has been filed for temporary authority under section 210a(b).

No. MC–FC–77253, filed August 8, 1977. Transferee: Carl E. Parnell, 1211 W. Locust St., Belvidere, Ill. 61008. Transferor: Robert M. Swanson, 820 Wayne St., Belvidere, Ill. 61008. Applicant's representative: Abraham A. Diamond, Attorney at Law, 29 South LaSalle St., Chicago, Ill. 60603. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC 136443 (Sub-No. 2), issued March 5, 1973, as follows: *Non-dairy cream substitutes,* in bulk, in tank vehicles, from Rockford, Ill., to Janesville, Wis., with no transportation for compensation on return except as otherwise authorized. *Ice cream mix,* in bulk, in tank vehicles, from Belvidere, Ill., to Portage and Montfort, Wis., with no transportation for compensation on return except as otherwise authorized. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under section 210a (b).

No. MC–FC–77255 filed August 8, 1977. Transferee: LOWTHER TRUCKING CO., INC., 521 S. Anderson Road, P.O. Box 3117 C.R.S., Rock Hill, S.C. 29730 Transferor: Lowther Trucking Co., A Corporation, 521 South Anderson Road, P.O. Box 3117 C.R.S., Rock Hill, S.C. 29730. Applicants' representative: J. Wesley Lowther, President, Lowther Trucking Co., Inc. (same as above). Authority sought for purchase by transferee of the operating rights of transferor as set forth in Permit No. MC–115789 (Sub-No. 3); and Certificate Nos. MC–114098 (Sub-No. 3); MC–114098 (Sub-No. 5); MC–114098 (Sub-No. 17); MC–114098 (Sub-No. 23); MC–114098 (Sub-No. 37); and MC–114098 (Sub-No. 39) issued April 8, 1977; September 19, 1958; November 17, 1960; April 7, 1977; April 7, 1977; November 30, 1967; and July 2, 1963 respectively, as follows: (1) Asphalt protective coatings, from Rock Hill, S.C., to points in North Carolina, Virginia, West Virginia, those in Tennessee on and east of U.S. Highway 27, Alabama, Georgia, and Florida; (2) Materials, supplies and equipment, used in the manufacture and distribution of asphalt protective coatings (except in bulk, in tank vehicles), from points in Georgia, and Kimberton, Pa., to Rock Hill, S.C.; Operations are limited to a transportation service to be performed under a continuing contract, or contracts, with Monsey Products Co., of Rock Hill, S.C.; Hulled cottonseed, in bulk, From Charlotte, N.C., to Augusta, Ga.; and Ground cottonseed flakes, in bulk, from Augusta, Ga., to Charlotte, N.C.; Fertilizer, in bulk, in tank and hopper-type vehicles, and in bags, from Spartanburg, S.C., to points in North Carolina; Building or roofing slabs (made of Portland cement with wood fibre or wood chips aggregate), on flatbed trailers, from Richmond, Va., to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut; and those points in that part of Tennessee west of U.S. Highway 27, South Carolina, Mississippi, Louisiana, Arkansas, Oklahoma, and Texas; Composition boards and sheets (not including wall boarding or insulation boarding) from Black Mountain, N.C., to points in South Carolina, and those in that part of Tennessee west of U.S. Highway 27, Kentucky, New York, (except points in the New York Commercial Zone, as defined by the Commission) and points in Pennsylvania (except points within 25 miles of Philadelphia, including Philadelphia); Building or roofing slabs, from Newark, Ohio, to points in West Virginia; Hardboard, from Conway, N.C., and points within ten miles thereof, to points in Iowa, Arkansas (except Benton, Ark.), Illinois, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Mississippi, Oklahoma, Texas (except Houston, Tex.), Wisconsin, and that part of Tennessee on and west of U.S. Highway 25-E. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC–FC–77264, filed August 15, 1977. Transferee: TRI STATE TOURS, INC., P.O. Box 307, Galena, Ill. 61036. Transferor: Lewis G. Hilliard, d.b.a. Tri State Tours, P.O. Box 307, Galena, Ill. 61036. Applicant's representative: J. G. Dail, Jr., Attorney at Law, P.O. Box 567, McLean, Va. 22101. Authority sought for purchase by transferee of the authority to operate as a broker, of transferor as set forth in License Nos. MC–12655 and sub numbers 2 and 3 issued October 18, 1966, April 18, 1975, and July 11, 1977 respectively as follows: Passengers and their baggage, in the same vehicle with passengers, in round-trip tours, beginning and ending at Dubuque, Iowa, and extending to points in the United States, except Alaska and Hawaii. Passengers in round-trip all-evxpense tours, beginning and ending at Rock Island, Ill., and points within 50 miles thereof, and extending to points in the United States, including the District of Columbia. Passengers and their baggage, in special and charter operations, in round-trip, all expense tours, beginning and ending at Galena, Ill., and Hazel Green, Cuba City, Shullsburg, and Benton, Wis., and extending to points in the United States (including Alaska and Hawaii). Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a (b).

H. G. Homme, Jr.,
Acting Secretary.

[FR Doc.77-25585 Filed 8-31-77;8:45 am]

[Notice No. 107TA]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

August 25, 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 qualtiy 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 51146 (Sub-No. 514TA) filed August 5, 1977. Applicant: SCHNEIDER TRANSPORT, INC., 2661 South Broadway, Green Bay, Wis. 54306. Applicant's representative: Neil A. DuJardin (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Roofing materials,* from the facilities of Fry Division of Owens Corning Fiberglass located at or near North Kansas City, Mo., to points in Iowa, Minnesota, North Dakota, South Dakota, and Wisconsin; and from the facilities of Fry Division of Owens Corning Fiberglass located at or near Summit, Ill., to points in Minnesota, North Dakota and South Dakota, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Fry Division of Owens Corning Fiberglass, Summit, Ill. (P.O. Argo) 60501, (G. A. Homeier). Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wis. 53202.

No. MC 60014 (Sub-No. 56TA), filed August 5, 1977. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Cementitious wood fiber roof deck panels,* from the plantsite of Martin Fireproofing Georgia, Inc., at or

near Elberton, Ga., to points in Connecticut, Delaware, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, 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: Martin Fireproofing Georgie, Inc., P.O. Box 768, Elberton, Ga. 30635. Send protests to: John J. England, District Supervisor, Interstate Commerce Commission, 2111 Federal Bldg., 1000 Liberty Ave., Pittsburgh, Pa. 15222.

No. MC 113362 (Sub-No. 310TA), filed August 4, 1977. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, Iowa 50533. Applicant's representative: Milton D. Adams, P.O. Box 429, Austin, Minn. 55912. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products and articles distributed by meat packing plants* (except hides and commodities in bulk) from the plant site of George A. Hormel & Co. located at Springfield, Mo., to points in Wisconsin and the Upper Penninsula of Michigan, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Geo. A. Hormel & Co. P.O. Box 800, Austin, Mo. 55912. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, Iowa 50309

No. MC 114045 (Sub-No. 474TA), filed August 8, 1977. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 61228, D/FW Airport, Tex. 75261. Applicant's representative: J. B. Stuart (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Photographic materials, supplies and equipment*, in vehicles equipped with mechanical refrigeration, from Teterboro, N.J., to Reno, Nev., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Agfa-gevaert, Inc., 275 North Street, Teterboro, N.J. 07608. Send protests to: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce Street, Room 13C12, Dallas, Tex. 75242.

No. MC 114457 (Sub-No. 325TA), filed August 9, 1977. Applicant: DART TRANSIT CO., 2102 University Avenue, St. Paul, Minn. 55114. Applicant's representative: James C. Hardman, 33 N. LaSalle Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel doors, steel door frames, and brass, bronze, copper and steel hardware*, from the plantsite of The Ceco Corporation at or near Milan, Tenn., to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont, for 180 days. Supporting shipper: The Ceco Corporation, 5601 W. 26th St., Chicago, Ill. 60650. Send protests to: Mrs. Marion L. Cheney, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building & U.S. Court House, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 115162 (Sub-No. 380TA), filed August 5, 1977. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same as above). Authority sought to operate as a *common carrier, by* motor vehicle, over irregular routes, tranporting: *Ground clay*, in containers, from the plant sites of Floridin Company at or near Havana and Quincy, Fla., and Ochlocknee, Ga., to points in the states of Alabama, Arkansas, Mississippi, Louisiana, Georgia, South Carolina, North Carolina, Tennessee and Kentucky, for 180 days. Supporting shipper: Floridin Company, Berkeley, Springs, W. Va. 25411. Send protests to: Mable E. Holston, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, Rm. 1616-2121 Building, Birmingham, Ala. 35203.

No. MC 115162 (Sub-No. 381 TA), filed August 5, 1977. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Conduit or pipe, cement, containing asbestos fibre, and fittings therefor*, from the plant site of Cement Asbestos Products Company (Subsidiary of ASARCO Incorporated), at or near Ragland, Ala., to all points in the states of Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, and the District of Columbia, for 180 days. Supporting shipper: Cement Asbestos Products Company (Subsidiary of ASARCO Incorporated), 611 Olive St., Suite 1755, St. Louis, Mo. 63101. Send protests to: Mabel E. Holston, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, Rm. 1616, 2121 Building, Birmingham, Ala. 35203.

No. MC 123255 (Sub-No. 114TA), filed August 10, 1977. Applicant: B & L MOTOR FREIGHT, INC., 140 Everett Avenue, Newark, Ohio 43055. Applicant's representative: C. F. Schnee, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn and corn products*, from Parts, Ill., to points in the States of Connecticut, Maryland, Massachusetts, New Jersey, New York, and Pennsylvania, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Illinois Cereal Mills, Inc., 616 South Jefferson Street, Paris, Ill. 61944. Send protests to: Frank L. Calvary, District Supervisor, Interstate Commerce Commission, 220 Federal Bldg., and U.S. Courthouse, 85 Marconi Boulevard, Columbus, Ohio 43215.

No. MC 123887 (Sub-No. 11TA), filed August 8, 1977. Applicant: L. J. NAVY TRUCKING CO., 2300 Eighth Avenue, Huntington, W. Va. 25703. Applicant's representative: John M. Friedman, 2930 Putnam Avenue, Hurricane, W. Va. 25526. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages* in containers, from the plantsite of Miller Brewing Co., at South Volney, N.Y., to Charleston, Huntington, and Williamson, W. Va., for 180 days. Supporting shippers: James Mazzei, President, Capitol Beverage Co., 500 Hunt Avenue, Charleston, W. Va. 25302. Allene L. Hall, Vice President and Secretary, Atomic Distributing Co., 417 R 2nd Ave., Huntington, W. Va. 25701. Dominic J. Gentile, President, Mingo Bottling Co., Inc., Box 1057, Williamson, W. Va. 25661. Send protests to: H. R. White, District Supervisor, Interstate Commerce Commission, 3108 Federal Office Bldg., 500 Quarrier Street, Charleston, W. Va. 25301.

No. MC 126736 (Sub-No. 100TA), filed August 9, 1977. Applicant: FLORIDA ROCK AND TANK LINES, INC., 155 East 21st Street, P.O. Box 1559, Jacksonville, Fla. 32201. Applicant's representative: L. H. Blow (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulfuric acid* in bulk in tank vehicles, from the plant site of Occidental Chemical Co., near White Springs, Fla., to North Carolina, South Carolina and Tennessee, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Cities Service Company, P.O. Drawer 50360, Atlanta, Ga. 30302. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202.

No. MC 127539 (Sub-No. 59TA), filed August 12, 1977. Applicant: PARKER REFRIGERATED SERVICE, INC., 1108 54th Avenue East, Tacoma, Wash. 98421. Applicant's representative: Michael D. Duppenthaler, 515 Lyon Building, 607 Third Avenue, Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Margarine, mayonnaise and peanut butter*, in vehicles equipped with mechanical refrigeration, from the plantsite of Shedds Food Products at or near Sunnyvale, Calif., to points in Oregon and Washington, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Shedds Food Products, 1484 Kaifer Road, Sunnyvale, Calif. 94086. Send protests to: L. D. Boone, Transportation

Specialist, Bureau of Operations, Interstate Commerce Commission, 858 Federal Building, Seattle, Wash. 98174.

No. MC 128205 (Sub-No. 32TA), filed August 3, 1977. Applicant: BULKMATIC TRANSPORT CO., 12000 S. Doty Avenue, Chicago, Ill. 60628. Applicant's representative: Stephen H. Loeb, 180 N. LaSalle Street, Chicago, Ill. 60601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in bulk, from St. Louis, Mich., to Hamilton County, Ohio, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Michigan Salt Co., D. F. Rittenberry, 2 North Riverside Plaza, Chicago, Ill. 60606. Send protests to: Transportation Assistant Patricia A. Roscoe, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 S. Dearborn Street, Room 1386, Chicago, Ill. 60604.

No. MC 129903 (Sub-No. 8TA), filed August 10, 1977. Applicant: EMPORIA MOTOR FREIGHT, INC., P.O. Box 1103, Route 5, Emporia, Kans. 66801. Applicant's representative: John L. Richeson, Second and Main Street, Ottawa, Kans. 66067. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *High temperature insulation, for furnaces, and materials* used in the installation thereof, from the plantsite of Pyro-Bloc, a division of Sauder Industries, Inc., Emporia, Kans., to all points in the United States of America, for 180 days. Supporting shipper: Pyro-Bloc, a division of Sauder Industries, Inc., 204 Aeroglide, Emporia, Kans. 66801. Send protests to: Thomas P. O'Hara, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 147 Federal Bldg. 7 U.S. Courthouse, 44 S. E. Quincy, Topeka, Kans. 66683.

No. MC 133095 (Sub-No. 170TA), filed August 12, 1977. Applicant: TEXAS CONTINENTAL EXPRESS, INC., P.O. Box 434, 2603 W. Euless Blvd., Euless, Tex. 76039. Applicant's representative: Hugh T. Matthews, 2340 Fidelity Union Tower, Dallas, Tex. 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electronic equipment and materials, equipment and supplies* used in the manufacture and distribution thereof (except commodities in bulk), between Sequin, Tex., and Chicago, Ill., for 180 days. Supporting shipper: Motorola, Inc., Automotive Products Division, 1299 E. Algonquin Road, Schaumburg, Ill. 60196. Send protests to: Robert J. Kirspel, District Supervisor, Room 9A27 Federal Building, 819 Taylor Street, Ft. Worth, Tex. 76102.

No. MC 134022 (Sub-No. 28TA), filed August 5, 1977. Applicant: RICHARD A. ZIMA, doing business as ZIPCO, P.O. Box 715, West Bend, Wis. 53095. Applicant's representative: Richard A. Zima; 3462 Townhall Road, Kewaskum, Wis. 53040. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages* in containers, except in bulk, and advertising and promotional materials when shipped with malt beverages and the return of used empty containers, from Chicago, Ill., to Louisville, Ky., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Peter Hand Brewing Company, 1000 W. North Avenue, Chicago, Ill. 60622 (Harry E. Singer). Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building & Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wis. 53202.

No. MC 134375 (Sub-No. 15TA), filed August 9, 1977. Applicant: ELDON GRAVES, doing business as ELDON GRAVES TRUCKING, Box 3044, Union Gap, Wash. 98903. Applicant's representative: Robert G. Gleason, 1127—10th East, Seattle, Wash. 98102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cedar shakes and shingles*, from the plant site of Red Cedar Products, Inc., located at or near Amanda Park, Wash., to points in California, movement to be made on flatbed equipment, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Red Cedar Products, Inc., Route 1, Box 300, Amanda Park, Wash. 98526. Send protests to: District Supervisor R. V. Dubay, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, 555 SW. Yamhill Street, Portland, Oreg. 97204.

No. MC 135082 (Sub-No. 52TA), filed August 10, 1977. Applicant: BURSCH TRUCKING, INC., doing business as ROADRUNNER TRUCKING, INC., P.O. Box 26748, 415 Rankin Road NE., Albuquerque, N. Mex. 87125. Applicant's representative: Randall A. Sain (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, lumber products, wood products, and millwork*, from Idaho, Oregon, and Montana to Arizona, Colorado, New Mexico, Kansas, Oklahoma, and Texas, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Sagebrush Sales Company, Inc., 6300 State Road 47 SE., Albuquerque, N. Mex. 87108. American Forest Products Corporation, 100 Menau Blvd. NE., Albuquerque, N. Mex. 97107, Duke City Lumber Company, Inc., P.O. Box 25807, Albuquerque, N. Mex. 87125. Send protests to: Darrell W. Hammons, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1106 Federal Office Building, 517 Gold Avenue SW., Albuquerque, N. Mex. 87101.

No. MC 135696 (Sub-No. 5TA), filed August 5, 1977. Applicant: LAKE PORT TRUCKING AND LEASING, INC., 620 South Stange Road, Elmore, Ohio 43416. Applicant's representative: Arthur R. Cline, 420 Security Building, Toledo, Ohio 43604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Alfalfa *products*, from Blissfield, Mich., to points in Cumberland County, Pa., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Consolidated Mills, Inc., Box 6, 6771 Silberhorn Road, Blissfield, Mich. 49228. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 313 Federal Office Building, 234 Summit Street, Toledo, Ohio 43604.

No. MC 136888 (Sub-No. 10TA), filed August 3, 1977. Applicant: NORMAN & SON, INC., 2520 North 69th Street, Houston, Tex. 77020. Applicant's representative: Phillip Robinson, P.O. Box 2207, Austin, Tex. 78768. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Activated carbons*, in bulk, in dump vehicles, between Bayport, Tex., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Calgon Corporation, P.O. Box 1346, Pittsburgh, Pa. 15230. Send protests to: District Supervisor John F. Mensing, Interstate Commerce Commission, 8610 Federal Bldg., 515 Rusk, Houston, Tex. 77002.

No. MC 140878 (Sub-No. 2TA) (correction), filed May 6, 1977, published in the FEDERAL REGISTER issue of June 6, 1977, and republished as corrected this issue. Applicant: SOUTHSIDE TRUCKING CO., INC., 401 Murray's Avenue, Alexandria, Va. 22301. Applicant's representative: Henry U. Snavely, 410 Pine Street, Vienna, Va. 22180. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Insulation*, and (2) *equipment, materials, and supplies* used in the manufacture, sale, distribution, and installation of insulation, between the facilities of Cellin Manufacturing, Inc., at Lorton, Va., and Guilderland, N.Y., on the one hand, and, on the other, points in Connecticut, Delaware, District of Columbia, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and West Virginia, restricted in (1) and (2) above (A) against the transportation of commodities in bulk, and (B) to the performance of a transportation service under a continuing contract or contracts with Cellin Manufacturing, Inc., of Lorton, Va., for 180 days. Supporting shipper(s): Cellin Manufacturing, Inc., 9610 Gunston Road, Lorton, Va. 22079. Send protests to: Interstate Commerce Commission, 12th & Constitution Avenue NW., Room 1413, District Supervisor W. C. Hersman, Washington, D.C. 20423. The purpose of this republication is to add six additional destination states as originally

sought by applicant but inadvertently omitted. Note any protest filed should be directed only to those new or additional states reflected herein. Any interested party filing a protest to the six additional destination states are advised that said protests will be treated as a petition for reconsideration.

No. MC 141443 (Sub-No. 3TA), filed August 10, 1977. Applicant: JOHN LONG TRUCKING, INC., 1030 E. Denton Street, Sapulpa, Okla. 74066. Applicant's representative: Wilburn L. Williamson, 3535 NW. 58th Street, 280 National Foundation Bldg., Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Wooden boxes,* from Jonesboro, Ark., to points in Montana, New Mexico, Oregon, and Texas, for 180 days. Supporting shipper: Southern Wooden Box, Inc., P.O. Box 339, 1100 East Johnson Ave., Jonesboro, Ark. 72401. Send protests to: District Supervisor Joe Green, Rm. 240 Old Post Office Bldg., 215 NW. Third Street, Oklahoma City, Okla. 73102.

No. MC 143565TA, filed August 3, 1977. Applicant: HIGHWAY TRANSPORTATION COMPANY, P.O. Box 1327, Bangor, Maine 04401. Applicant's representative: Frederick T. McGonagle, 36 Main Street, Gorham, Maine 04038. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Liquid sulphur,* in bulk, in tank vehicles, from the port of entry on the International Boundary Line, between the United States and Canada located at or near Calais, Maine to Searsport, Maine, under a continuing contract or contracts with Delta Chemicals, Inc., for 180 days. Supporting shipper: Delta Chemicals, Inc., P.O. Box 414, Searsport, Maine 04974. Send protests to: Donald G. Weiler, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Rm. 307, 76 Pearl Street, Portland, Maine 04111.

No. MC 143594TA, filed August 11, 1977. Applicant: NATIONAL BULK TRANSPORT, INC., 1300 Hibernia Building, New Orleans, La. 70113. Applicant's representative: Charles W. Singer, 240 E. Commercial Blvd., Fort Lauderdale, Fla. 33308. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Liquid amorphous polypropylene,* in bulk, in tank vehicles, from Bayport, Tex., to Crowley, La., for 180 days. Supporting shipper: Hercules Incorporated, Atlanta, Ga. 30308. NOTE.—Applicant has been substituted as the applicant in MC Docket No. 110988 (Sub-No. 321). Send protests to: District Supervisor, Ray C. Armstrong, Jr., 701 Loyola Ave., 9038 Federal Bldg., New Orleans, La. 70113.

PASSENGER APPLICATION

No. MC 143578TA, filed August 10, 1977. Applicant: WILSON BUS CO., INC., 314 Alexander St., Fayetteville, N.C. 28301. Applicant's representative: Wilmer B. Hill, Suite 805, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Passengers and their baggage,* in the same vehicle with passengers, in round-trip charter operations, and in special operations, in round-trip sightseeing and pleasure tours, beginning and ending at points in Cumberland, Sampson, Johnston, Wilson, Greene and Bladen Counties, N.C., and extending to points on and east of the Mississippi River, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: There are approximately thirty-four (34) 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: Archie W. Andrews, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 26896, Raleigh, N.C. 27611.

By the Commission

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

[FR Doc.77-25586 Filed 8-31-77;8:45 am]

[Notice No. 106TA]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 24, 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 representatives, 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 48958 (Sub-No. 135TA) (correction), filed July 15, 1977, published in the FEDERAL REGISTER issue of August 9, 1977, and republished as corrected this issue. Applicant: ILLINOIS-CALIFORNIA EXPRESS, INC., 510 E. 51st Avenue, P.O. Box 16404, Denver, Colo. 80216. Applicant's representative: Lee E. Lucero (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meat products, meat by-products, and articles distributed by meat packinghouses,* as described in *Descriptions in Motor Carrier Certificates;* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from all points in Iowa, Dakota City, Fremont, Schuyler, Scottsbluff and West Point, Nebr.; Holton and Kansas City, Kans.; and Kansas City, Mo., to all points in Arizona, California, Colorado, New Mexico and Utah, for 180 days. Supporting shipper(s): American Beef Packers, Inc., Highway 59 North, Oakland, Iowa 51560. Farmland Foods, Inc., Dept. 44, 3315 N. Oak Trafficway, Kansas City, Mo. 64116. Send protests to: Roger L. Buchanan District Supervisor, Interstate Commerce Commission, 492 U.S. Customs House, 721 19th Street, Denver, Colo. 80202. The purpose of this republication is to add the state of Colorado as an destination point in lieu of Connecticut as was previously published in error.

No. MC 51146 (Sub-No. 517TA), filed August 12, 1977. Applicant: SCHNEIDER TANK LINES, INC., 2661 South Broadway, Green Bay, Wis. 54306. Applicant's representative: Paul Schneider (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Spent chemicals,* in bulk, from points in Michigan, Minnesota, Ohio and Wis., to Union, Ill., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Southern California Chemical Co., Inc. 17415 E. Jefferson Street, Union, Ill. 60180. (James W. Andrews.) Send protests to: Gail Daugherty Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wis. 53202.

No. MC 71642 (Sub-No. 27TA), filed August 4, 1977. Applicant: CONTRACTUAL CARRIERS, INC., Harmony Industrial Park, Allen Drive, Newark, Dela. 19711. Applicant's representative: Samuel W. Earnshaw, 833 Washington Bldg., Washington, D.C. 20005. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Paper and paper products* (except commodities in bulk), Between Newark, Del., on the one hand, and, on the other, Jackson, Tenn.; Urbana,

Ohio; Concord, N.H.; and Chicago, Ill., and the Commercial Zone thereof, for the account of Westvaco Corp., New York, N.Y., under a continuing contract, or contracts, with Westvaco Corp., for 180 days. Supporting shipper(s): Westvaco Corp., Westvaco Building, 299 Park Avenue, New York, N.Y. 10017. Send protests to: Monica A. Blodgett Transportation Assistant, Interstate Commerce Commission, 600 Arch Street, Room 3238, Philadelphia, Pa. 19106.

No. MC 72495 (Sub-No. 18TA), filed August 8, 1977. Applicant: DON SWART TRUCKING, INC., Box 49, Route 2, Wellsburg, W.Va. 26070. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle; over irregular routes, transporting: *Granulated slag*, in bulk in dump vehicles, from the plantsite of H. B. Reed & Co., Inc., at or near Cresap, W. Va., to the plantsite of CertainTeed Corporation at or near Avery, Ohio, for 180 days. Supporting shippers: H. B. Reed & Co., Inc., 8149 Kennedy Ave., Highland, Ind. 46322. CertainTeed Corp., P.O. Box 860, Valley Forge, Pa. 19482. Send protests to: J. A. Niggemyer, District Supervisor, Interstate Commerce Commission, 416 Old Post Office Building, Wheeling, W. Va. 26003.

No. MC 78228 (Sub-No. 64TA) (correction), filed July 14, 1977, published in the FEDERAL REGISTER issue of August 2, 1977, and republished as corrected this issue. 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, and Nettie, W. Va., and five miles thereof to Catlettsburg, Ky., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Calgon Corp., 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. The purpose of this republication is to add the rest of the territorial description.

No. MC 105566 (Sub-No. 150TA), filed August 8, 1977. Applicant: SAM TANKSLEY TRUCKING, INC., P.O. Box 1120, Cape Girardeau, Mo. 63701. Applicant's representative: Thomas F. Kilroy, 6901 Old Keene Mill Road, Suite 406, Springfield, Va. 22150. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic materials, plastic granules, plastic pellets, proprietary antifreeze preparations and anti-freeze* (except in bulk), from Mapleton and Morris, Ill., to points in Arizona, California, Colorado, Idaho, Nevada, New Mexico, Oregon, Utah, and Washington, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Northern Petrochemical Co., 2350 E. Devon Avenue, Des Plaines, Ill. 60018. Send protests to: J. P. Werthmann, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1465, 210 N. 12th Street, St. Louis, Mo. 63101.

No. MC 107403 (Sub-No. 1029TA), filed August 11, 1977. Applicant: MATLACK, INC., Ten West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: Martin C. Hynes, Jr., (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry caustic soda*, in bulk, in tank vehicles, from Deer Park, Tex., to St. Louis, Mo., for 180 days. Supporting shipper(s): Diamond Shamrock Corp., 1100 Superior Avenue, Cleveland, Ohio 44114. Send protests to: Monica A. Blodgett Transportation Assistant, Interstate Commerce Commission, 600 Arch Street, Room 3238, Philadelphia, Pa. 19106.

No. MC 107496 (Sub-No. 1101TA), filed August 11, 1977. Applicant: RUAN TRANSPORT CORP., 3200 Ruan Center, 666 Grand Avenue, Des Moines, Iowa 50309. Applicant's representative: E. Check (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pebble lime*, in bulk, from Sequiota, Mo., to Hawesville, Ky., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authorty. Supporting shipper(s): Western Kraft, P.O. Box 130, Hawesville, Ky. 42348. Send protest to: Herbert W. Allen District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, Iowa 50309.

No. MC 108393 (Sub-No. 125TA), filed August 9, 1977. Applicant: SIGNAL DELIVERY SERVICE INC., 201 S. Ogden Avenue, Hinsdale, Ill. 60521. Applicant's representative: Thomas B. Hill (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Parts of electrical and gas appliances and equipment, materials and supplies* used in the manufacture, distribution and repair of electrical and gas appliances, except commodities in bulk, in tank vehicles, between Portland, Ind., and Findlay, Ohio, performed under a continuing contract or contracts with the Whirlpool Corporation, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting Shipper: Whirlpool Corporation, Carl R. Anderson, Director of Transportation Administrative Center, Benton Harbor, Mich. 49022. Send protests to: Transportation Assistant Patricia A. Roscoe, Interstate Commerce Commission, 219 S. Dearborn Street, Room 1386, Everett McKinley Dirksen Building, 219 S. Dearborn Street, Room 1386, Chicago, Ill. 60604.

No. MC 110525 (Sub-No. 1205TA), filed August 11, 1977. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 E. Lancaster Avenue, Downington, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hydrogen peroxide*, in bulk, in tank vehicles, from Woodstock, Tenn. (near Memphis), to Lynch, Wyo., for 180 days. Supporting shipper(s): E. I. du Pont de Nemours & Co., 1007 Market Street, Wilmington, Dela. 19898. Send protests to: Monica A. Blodgett Transportation Assistant, Interstate Commerce Commission, 600 Arch Street, Room 3238, Philadelphia, Pa. 19106.

No. MC 112822 (Sub-No. 424TA), filed August 11, 1977. Applicant: BRAY LINES, INCORPORATED, P.O. Box 1191, 1401 N. Little Street, Cushing, Okla. 74023. Applicant's representative: Charles D. Midkiff, 1401 Little Street, P.O. Box 1191, Cushing, Okla. 74023. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Frozen foods* (except in bulk), from Cameron, Hidalgo and Willacy Counties, Tex., to points in Alabama, Arkansas, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, and Wis., for 180 days. Supporting shipper(s): Bluebonnet Foods, Inc. Monte Alto, Tex. 78538. Send protests to Joe Green District Supervisor, Room 240 Old Post Office Building, 215 NW. Third Street, Oklahoma City, Okla. 73102.

No. MC 14004 (Sub-No. 171TA), filed August 12, 1977. Applicant: CHANDLER TRAILER CONVOY, INC., 8823 New Benton Highway, Little Rock, Ark. 72209. Applicant's representative: Winston G. Chandler, 8828 New Benton Highway, Little Rock, Ark. 72209. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mobile Modular structures*, in initial movements, in truckaway service, from Broken Arrow, Okla., to points and places in the United States, including Alaska but excluding Hawaii, for 180 days. Supporting shipper(s): Porta-Structure Corp. 777 N. Redbud, Suite 9, Broken Arrow, Okla. 74012. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 115821 (Sub-No. 29TA), filed August 12, 1977. Applicant: FRANK BEELMAN. d/b/a BEELMAN TRUCK CO., St. Lobory, Ill. 62282. Applicant's representative: Ernest A. Brooks, II, 1301 Ambassador Building, St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in bulk, in dump vehicles, from Saline, Franklin, Jefferson, Williamson, Gallatin, Marion, Hamilton, Hardin, Pope, Johnson, Union and Jackson Counties, Ill., to points in Vigo, Vermillion, Knox, Hamilton, Floyd and Gibson Counties, Ind., for 180 days. Supporting ship-

per(s): John P. Masselink Fuel Manager, Public Service Company of Indiana, Inc., 1000 E. Main Street, Plainfield, Ind. 46168. Send protests to: Harold C. Jolliff District Supervisor, Interstate Commerce Commission, P.O. Box 2418, Springfield, Ill. 62705.

No. MC 116073 (Sub-No. 362TA), filed August 5, 1977. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, P.O. Box 919, Moorhead, Minn. 56560. Applicant's representative: John C. Barrett, P.O. Box 919, Moorhead, Minn. 56560. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Buildings,* complete or in sections, in initial movements, from the plantsite of Skyline Corporation at or near Boise, Idaho, to all points in the states of Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Skyline Corporation, P.O. Box 5754, Boise, Idaho 83706. Send protests to: Ronald R. Mau District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 117088 (Sub-No. 7TA), filed August 4, 1977. Applicant: ASPHALT TRANSPORT, INC., P.O. Box 10416, 3000 Curlene Hwy., New Orleans, La. 70121. Applicant's representative: Edward W. Winter, 235 Rosewood Drive, Metairie, La. 70005. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Drilling mud,* in bulk, in tank vehicles, from Galveston and Houston, Tex., to Cameron, La., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Cameron Offshore Services, Inc. Suite 504, Louisiana Savings & Loan Bldg. 901 Lakeshore Drive, Lake Charles, La. 70602. Send protests to: Ray C. Armstrong, Jr., District Supervisor, 701 Loyola Avenue, 9038 Federal Building, New Orleans, La. 70113.

No. MC 117613 (Sub-No. 19TA), filed August 5, 1977. Applicant: D. M. BOWMAN, INC., Route 9, Box 26, Hagerstown, Md. 21740. Applicant's representative: Edward N. Button, 1329 Pennsylvania Avenue, P.O. Box 1417, Hagerstown, Md. 21740. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Waste oil,* from Clayton, N.J., and its commercial zone to Baltimore, Md., and its commercial zone, under a continuing contract or contracts with Maryland Liquid Disposal, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Maryland Liquid Disposal, Inc., Post Office Box 4059, Baltimore, Md. 21222. Send protests to: Interstate Commerce Commission, 12th & Constitution Avenue NW., Room 1413, W. C. Hersman, District Supervisor, Washington, D.C. 20423.

No. MC 117765 (Sub-No. 234TA), filed August 5, 1977. Applicant: HAHN TRUCK LINE, INC., 5315 NW., 5th Street, P.O. Box 75218, Oklahoma City, Okla. 73107. Applicant's representative: R. E. Hagan (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Malt beverages,* in containers, from Memphis, Tenn., to Akron, Colo., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: O'Neil Brothers Dis., Co., 10 South Custer, Akron, Colo. 80720. Send protests to: District Supervisor Joe Green, Rm. 240 Old Post Office Bldg., 215 NW. Third Street, Oklahoma City, Okla. 73102.

No. MC 118159 (Sub-No. 222TA), filed August 11, 1977. Applicant: NATIONAL REFRIGERATED TRANSPORT, INC., P.O. Box 51366, Dawson Station, Tulsa, Okla. 74151. Applicant's representative: Warren Taylor, P.O. Box 51366, Dawson Station, Tulsa, Okla. 74151. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Frozen ice milk and low calorie products* (except in bulk), in vehicles equipped with mechanical refrigeration, from Hutchinson, Kans. to Richland Center, Green Bay and Milwaukee, Wis., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): International Dairy Queen, Inc., 5701 Green Valley Drive, Bloomington, Minn. 55437. Send protests to: Joe Green, District Supervisor, Room 240, Old Post Office Building, 215 NW., Third Street, Oklahoma City, Okla. 73102.

No. MC 119654 (Sub-No. 35 TA), filed August 12, 1977. Applicant: HI-WAY DISPATCH, INC., 1401 West 26th Street, Marion, Ind. 46952. Applicant's representative: Morman R. Garvin, 815 Merchants Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Glass containers, caps, covers, and tops, and cartons,* between Plainfield, Ill., and St. Louis, Mo., for 180 days. Supporting shipper(s): Kerr Glass Manufacturing Corporation, P.O. Box 97, Sand Springs, Okla. 74063. Send protests to: J. H. Gray District Supervisor, Bureau of Operations, Interstate Commerce Commission, 343 West Wayne Street, Suite 113, Fort Wayne, Ind. 46802.

No. MC 125699 (Sub-No. 3TA) (amendment), filed July 15, 1977, published in the FR issue of August 4, 1977, and republished as amended this issue. Applicant: WILLARD E. DURBIN, doing business as DURBIN AUTO SERVICE, 421 South Mulberry Street, Hagerstown, Md. 21740. Applicant's representative: Daniel B. Johnson, 1123 Munsey Building, 1329 E Street, NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Wrecked, crushed, and shredded automobiles and shredded residues and scrap,* used or to be used in a recycling process. Between the plantsite of Conservit, Inc., at or near Hagerstown, Md., on the one hand, and, on the other, points in and east of Wisconsin, Iowa, Missouri, Tennessee, and Alabama, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Conservit, Inc., P.O. Box 1517, Hagerstown, Md. 21740. Send protests to: Interstate Commerce Commission, 12th & Constitution Avenue NW., Room 1413, W. C. Hersman, District Supervisor, Washington, D.C. 20403. The purpose of this republication is to amend applicant's request of authority.

No. MC 136035 (Sub-No. 10TA) (correction), filed July 19, 1977, published in the FEDERAL REGISTER issue of August 9, 1977, and republished as corrected this issue. Applicant: W. S. DUNNING & SON, INC., 131 D. South Balmar Street, West Chester, Pa. 19380. Applicant's representative: Gerald K. Gimmel, 4 Professional Drive, Suite 145, Gaithersburg, Md. 20760. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Foodstuffs,* from Louisville, Ky., to points in New York, Massachusetts, New Jersey, Pennsylvania, Maryland, Michigan, Ohio, Indiana, Tennessee, Georgia, Alabama, Florida, Louisiana, Texas, North Carolina, South Carolina, Illinois, Arkansas, Mississippi and Missouri, under a continuing contract, or contracts, with Paramount Foods, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Suporting shipper(s): Paramount Foods, Inc., 2800 Fern Valley Road, Louisville, Ky. 40213. Send protests to: Monica A. Blodgett Transportation Assistant, Interstate Commerce Commission, 600 Arch Street, Room 3238, Philadelphia, Pa. 19106. The purpose of this republication is to add the State of South Carolina to the territorial description.

No. MC 140883 (Sub-No. 15TA) (correction), filed July 7, 1977, published in the FEDERAL REGISTER issue of July 28, 1977, and republished as corrected this issue. Applicant: DOWNS TRANSPORTATION CO., INC., 2705 Canna Ridge Circle, NE., Atlanta, Ga. 30345. Applicant's representative: K. Edward Wolcott, P.O. Box 872, Atlanta, Ga. 30301. Authority sought to operate as a *contract carrier* by motor vehicle, over irregular routes, transporting: *Aquariums, aquarium supplies, materials and supplies* (except in bulk), utilized in the manufacture and distribution of aquariums, from Canton, Ga., to points in Arizona, California, Colorado, Idaho, Illinois, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, Wisconsin, and Wyoming, for 180 days. Supporting shipper: O'Dell Manufacturing Incorporated, P.O. Box 1242, Univerter Road, Canton, Ga. 30114. Send protests to: Sara K. Davis, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, 1252 W. Peachtree St. NW., Rm. 300, Atlanta, Ga. 30309.

The purpose of this republication is (1) to change applicant's assigned docket number; (2) to make carrier a contract carrier in lieu of common carrier; and (3) to list Iowa as a destination State in lieu of the State of Louisiana.

No. MC 143563TA, filed August 3, 1977. Applicant: R. C. MOORE, INC., Box 346, Waldoboro, Maine 04572. Applicant's representative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth St. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood products*, from Skowhegan, Maine, to points in the United States, except Alaska and Hawaii, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Solon Manufacturing, Skowhegan, Maine 04976. Send protests to: Donald G. Weiler, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Rm. 307, 76 Pearl Street, Portland, Maine 04111.

By the Commission.

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

[FR Doc.77-25587 Filed 8-31-77;8:45 am]

[Notice No. 108TA]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 26, 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 services 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 potestant'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 5227 (Sub-No. 29TA), filed July 28, 1977. Applicant: EXKLEY TRUCKING, INC., P.O. Box 201, Mead, Nebr. 68041. Applicant's representative: Gailyn L. Larsen, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese and cheese products*, from the facilities of Swan Enterprises, Inc., at or near Hebron, Nebr., and the facilities of Sullivan County Cheese Corp., at or near Mila, Mo., to Norman, Okla.; Elk Grove Village, Franklin Park, and Villa Park, Ill.; Boston, Mass.; West Paterson, N.J.; Brooklyn, Schenectady and Buffalo, N.Y.; Livonia and Detroit, Mich.; Toledo and Macedonia, Ohio; Avondale and Pittsburgh, Pa.; Camp Springs, Md.; Denver, Colo.; Albuquerque, N. Mex.; Phoenix, Ariz.; Los Angeles, Calif.; Salina, Kans.; Omaha, Nebr.; and Duluth, Minn., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Roy Mitchell, president, Swan Enterprises, Inc., Sullivan County Cheese Corp., Hebron, Nebr. 68370. Send protests to: Max H. Johnston, District Supervisor, 285 Federal Building & Court House, 100 Centennial Mall North, Lincoln, Nebr. 68508.

No. MC 13845 (Sub-No. 6 TA), filed August 11, 1977. Applicant: DONALD RUSSELL, d.b.a. FRANK RUSSELL & SON, 401 S. Ida Street, West Frankfort, Ill. 62806. Applicant's representative: William C. Russell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mining machinery, mining supplies, and equipment therefor*, between points in Illinois on and south of Interstate 70, on the one hand, and, on the other, points in Colorado, Utah, and Wyoming, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): William J. Orlandi, Vice President of Operations, Zeigler Coal Company, P.O. Box 100, Johnston City, Ill. 62951. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, P.O. Box 2418, Springfield, Ill. 62705.

No. MC 59640 (Sub-No. 52TA), filed July 28, 1977. Applicant: PAULS TRUCKING CORP., Three Commerce Drive, Cranford, N.J. 07106. Applicant's representative: Charles J. Williams, 1815 Front Street, Scotch Plains, N.J. 07076. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise*, as is dealt in by wholesale, retail, and chain grocery and food business houses, catalogue showroom stores, and homes center stores, and in connection therewith, *equipment, materials, and supplies* used in the conduct of such business (except commodities in bulk), for the account of Supermarkets General Corporation, between Woodbridge and Edison, N.J., and North Berick, Maine, on the one hand, and, on the other, Manchester and Franklin, N. Hamp., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Supermarkets General Corporation, 301 Blair Road, Woodbridge, N.J. 07095. Send protests to: Robert E. Johnston, District Supervisor, Interstate Commerce Commission, 9 Clinton Street, Newark, N.J. 07102.

No. MC 95876 (Sub-No. 207TA), filed August 5, 1977. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, P.O. Box 1377, St. Cloud, Minn. 56301. Applicant's representative: Robert D. Gisvold, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal culverts*, from Shakopee, Minn., to Norfolk and Hastings, Nebr., for 180 days. Supporting shipper: Wheeler Division of St. Regis Paper Co., Box 160, West Des Moines, Iowa 50265. Send protests to: Mrs. Marion L. Cheney, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building and U.S. Court House, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 105501 (Sub-No. 21TA), filed August 5, 1977. Applicant: TERMINAL WAREHOUSE CO., INC., 1851 Raddison Road NE., Blaine, Minn. 55434. Applicant's representative: Joseph J. Dudley, W-1260 1st National Bank Bldg., St. Paul, Minn. 55101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Precast and prestressed concrete products* (except in bulk), from Lino Lakes, Minn., to points in North Dakota and Montana, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Molin Concrete Products, 415 Lilac Drive, Lino Lakes, Minn. 55014. Send protests to: Mrs. Marion L. Cheney, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building and U.S. Court House, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 107515 (Sub-No. 1095TA), filed July 18, 1977. Applicant: REFRIGERATED TRANSPORT CO., INC., 3901 Jonesboro Road, P.O. Box 308, Forest Park, Ga. 30050. Applicant's representative: Alan E. Serby and Richard M. Tettelbaum, Suite 375, 3379 Peachtree Rd., N.E., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Floor coverings, ceramictile and such commodities* as are used or useful in the installation of floor coverings and ceramictile, from Piqua and Canton, Ohio to Springfield, Mo., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: C & C Floor Covering, Inc., 524 College,

Springfield, Mo. 65806. Send protests to: Sara K. Davis, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, 1252 W. Peachtree St., N.W., Rm. 546, Atlanta, Ga. 30309.

No. MC 110525 (Sub-No. 1203TA), filed August 4, 1977. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 E. Lancaster Avenue, P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Varnish*, in bulk, in tank vehicles, from Waverly, N.Y., to Scranton, Pa., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Viking Chemical Products, Inc., 456 Broad Street, Waverly, N.Y. 14892. Send protests to: Monica A. Blodgett, Transportation Assistant, Interstate Commerce Commission, 600 Arch Street, Room 3238, Philadelphia, Pa. 19106.

No. MC 111729 (Sub-No. 710TA), filed July 5, 1977. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, N.Y. 11040. Applicant's representative: Elizabeth L. Henoch (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cut flowers, decorative greens and green plants*, when moving at the same time and in the same vehicle with commodities the transportation of which is subject to economic regulation, (1) from Denver, Colo., to points in Colorado, on traffic having an immediately prior movement by air, rail or motor vehicle. (2) From Seattle, Wash., to points in Washington on traffic having an immediately prior movement by air, rail or motor vehicle. (3) From Portland, Oreg., to points in Oregon, on traffic having an immediately prior movement by air, rail or motor vehicle, for 180 days. Supporting shipper: Norman Cox & Co., Gulf Coast Farms, 2524 First St., Fort Myers, Fla. 33902. Send protests to: Anthony D. Giaimo, District Supervisor, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 115215 (Sub-No. 26TA), filed August 12, 1977. Applicant: NEW TRUCK LINES, INC., P.O. Box 639, Perry, Fla. 32347. Applicant's representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, Fla. 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, poles, posts and timbers*, from Camilla and Brunswick, Ga., and Pensacola, Fla., to points in Illinois, Kentucky, North Carolina, South Carolina, Tennessee and Virginia, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Escambia Treating Co., P.O. box 17108, Pensacola, Fla. 32522. Send protests to: District Supervisor, G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202.

No. MC 120427 (Sub-No. 5TA), filed August 5, 1977. Applicant: WILLIAMS TRANSFER, INC., P.O. Box 34, Adams, Nebr. 68301. Applicant's representative: John K. Walker, P.O. Box 488, Grand Island, Nebr. 68801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aeration pipe and irrigation systems*, (1) from Kearney, Nebr., to Fort Benton and Sidney, Mont., and Nampa, Idaho.; (2) from Grand Island, Nebr., to Stuttgart, Ark.; Albert Lea, Minn.; Nampa, Idaho., Vale, Oregon.; Antigo, Wis.; and Detroit, Mich., for 180 days. Supporting shipper(s): Gerald L. Richards Heinzamn Mfg. Co., West Highway 330, Grand Island, Nebr. 68801. Lloyd A. Wilkie, Ace Irrigation & Mdg. Co., Box 1887, Kearney, Nebr. 68847. Send protests to: Max H. Johnston, District Supervisor, 285 Federal Building & Court House, 100 Centennial Mall North, Lincoln, Nebr. 68508.

No. MC 120646 (Sub-No. 22TA), filed August 11, 1977. Applicant: BRADLEY FREIGHT LINES, INC., 35 Garfield St., Asheville, N.C. 28803. Applicant's representative: Henry E. Seaton, 915 Pennsylvania Bldg., Penn. Ave. & 13th St. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, and wooden products*, from Asheville, N.C., to points in that part of Tennessee on and east of U.S. Highway 127, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Georgia Pacific Corporation, P.O. Box 9648, Asheville, N.C. 28805. Send protests to: District Supervisor Terrell Price, Interstate Commerce Commission, Mart Office Bldg., Rm. CC-516, 800 Briar Creek Rd., Charlotte, N.C. 28205.

No. MC 121664 (Sub-No. 24 TA), filed August 5, 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*, between Lynn, Ala., and points in Georgia, Florida, South Carolina, and Tenn., restricted to shipments originating at or destined to HP& V Lumber Company at Lynn, Ala., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): H. P. & V. Lumber Company, P.O. Box 64, Delmar, Ala. 35551. Send protests to: Mabel E. Holston Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, Room 1616—2121 Building, Birmingham, Ala. 35203.

No. MC 124711 (Sub-No. 46 TA), filed August 4, 1977. Applicant: BECKER CORP., P.O. Box 1050, 2643 West Central, El Dorado, Kans. 67042. Applicant's representative: T. M. Brown, 233 Ciudad Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molasses, liquid feeds, and liquid feed supplements*, in bulk, in tank vehicles, from the facilities of Cargill, Inc., at or near Garden City, Kans., to points in Colorado, Kansas, Nebraska, New Mexico, Oklahoma, and Tex., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Cargill, Inc. P.O. Box 9300, Minneapolis, Minn. 55440. Send protests to: M. E. Taylor District Supervisor, Interstate Commerce Commission, 101 Litwin Bldg., Wichita, Kans. 67202.

No. MC 127974 (Sub-No. 10 TA), filed August 8, 1977. Applicant: P. LIEDTKA TRUCKING, INC., 110 Patterson Avenue, Trenton, N.J. 08610. Applicant's representative: Alan Kahn, Suite 1920, Two Penn Center Plaza, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plasterboard and plasterboard joint systems*, from the facilities of The Flintkote Company in Camden, N.J., to points in that part of Pennsylvania east of the western boundaries of the Counties of Tioga, Lycoming, Clinton, Centre, Huntingdon and Bedford, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): The Flintkote Company, 480 Central Avenue, East Rutherford, N.J. 07073. Send protests to: Interstate Commerce Commission, 428 East State Street, Room 204, Trenton, N.J. 08608.

No. MC 128685 (Sub-No. 27TA), filed August 4, 1977. Applicant: DIXON BROS., INC., P.O. Drawer 8, Newcastle, Wyo. 82701. Applicant's representative: Jerome Anderson, 100 Transwestern Building, 404 North 31st Street, Billings, Mont. 59101. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Iron and steel and iron and steel articles*, from Sioux Falls, S. Dak. to points in Wyoming and Montana, for 180 days. Supporting shipper: Eager Steel Company, P.O. Drawer E., 909 S. 7th Avenue, Sioux Falls, S. Dak. 57101. Send protests to: District Supervisor, Paul A. Naughton, Interstate Commerce Commission, Rm. 105 Federal Bldg., and Court House, 111 South Wolcott, Casper, Wyo. 82601.

No. MC 129455 (Sub-No. 23 TA), filed August 4, 1977. Applicant: CARRETTA TRUCKING, INC., P.O. Box 887, Paramus, N.J. 07607. Applicant's representative: Charles J. Williams, 1815 Front Street, Scotch Plains, N.J. 07076. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Disposable aluminum articles, and disposable plastic articles, expanded* from Niles and Wheeling, Ill., to points in Pennsylvania, Maryland, New Jersey, New York, Connecticut,

Massachusetts, California, Arizona, and Colo., under a continuing contract, or contracts, with E-Z Por Corporation located at Niles, Ill., for 180 days. Supporting shipper(s): E-Z Por Corporation, 7227 Oak Park, Niles, Ill. 60648. Send protests to: Joel Morrows District Supervisor, Interstate Commerce Commission, 9 Clinton Street, Newark, N.J. 07102.

No. MC 135213 (Sub-No. 8TA), filed August 2, 1977. Applicant: JOE GOOD, d.b.a. GOOD TRANSPORTATION, P.O. Box 335, 830 Shoshone Avenue, Lovell, Wyo. 82431. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic containers*, from Powell, Wyo., to points in Montana, Washington, Nebraska, Colorado and S. Dak., under a continuing contract, or contracts, with Cream Of The Valley Dairies, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Cream Of The Valley Dairies, Inc. P.O. Box 659, Powell, Wyo. 82435. Send protests to: Paul A. Naughton, District Supervisor, Interstate Commerce Commission, Room 105 Federal Bldg. and Court House, 111 South Wolcott, Casper, Wyo. 82601.

No. MC 136332 (Sub-No. 5TA), filed August 11, 1977. Applicant: A. & M. TRANSPORT LTD., P.O. Box 11, Havelock, New Brunswick, Canada EOA 1WO. Applicant's representative: Frederick T. McGonagle, 36 Main Street, Gorham, Maine 04038. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lime and lime products*, in bulk and in bags, from the ports of entry located on the International Boundary Line between the United States and Canada, located in Aroostook County, Maine, to points in Aroostook County, Maine, under a continuing contract, or contracts, with Havelock Lime Works, Ltd., for 180 days. Supporting shipper: Havelock Lime Works, Ltd., Havelock, New Brunswick, Canada. Send protests to: Donald G. Weiler, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Rm. 307, 76 Pearl Street, Portland, Maine 04111.

No. MC 138328 (Sub-No. 40 TA), filed August 11, 1977. Applicant: CLARENCE L. WERNER, d.b.a. WERNER ENTERPRISES, 14507 Frontier Road, P.O. Box 37308, Omaha, Nebr. 68137. Applicant's representative: Donna Ehrlich, 14507 Frontier Road, Omaha, Nebr. 68128. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ferrous and nonferrous scrap metals*, from points in Colorado, Indiana, New Mexico, and Texas, to Omaha, Nebr.; and East Alton, Ill., for 180 days. Supporting shipper(s): Darold O. Wichman Traffic Manager, Aaron Ferer & Sons, Co. 909 Abbott Drive, Omaha, Nebr. 68102. Send protests to: Carroll Russell District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th Street, Omaha, Nebr. 68102.

No. MC 139014 (Sub-No. 1 TA), filed August 8, 1977. Applicant: COHEY TRUCKING CO., 3015 Vermont Avenue, Baltimore, Md. 21227. Applicant's representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425 13th St., NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Suspension ceiling grid systems and components*, from the plantsite of Chicago-Metallic Corporation at Baltimore, Md., to the District of Columbia, Virginia, New Jersey, New York, Pennsylvania and Md., for 180 days. Supporting shipper(s): Mr. Hugh Amos, Chicago-Metallic Corporation, 6750 Santa Barbara Court, Baltimore, Md. 21227. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, 814-B Federal Bldg., Baltimore, Md. 21201.

No. MC 139121 (Sub-No. 2 TA), filed August 2, 1977. Applicant: V. C. PRODUCE EXPRESS LTD., 3156 Nortland Canada. Applicant's representative: Clyde H. MacIver, 1900 Peoples National Bank Bldg., 1415 Fifth Avenue, Seattle, Wash. 98171. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Newsprint*, from ports of entry on the International Boundary line between the United States and Canada located in Washington, to California, Arizona, Nevada and N. Mex., restricted to traffic originating at points in British Columbia, Canada, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): MacMillan Bloedel Limited, 1075 West Georgia Street, Vancouver, B.C. Canada. Send protests to: L. D. Boone Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 858 Federal Bldg., Seattle, Wash. 98174.

No. MC 139420 (Sub-No. 18 TA), filed August 10, 1977. Applicant: ART GREENBERG, dba., GLACIER TRANSPORT, P.O. Box 428, Grand Forks, N. Dak. 58201. Applicant's representative: James B. Hovland, 414 Gate City Bldg., P.O. Box 1637, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Matches and woodenware*, from the facilities of Diamond International Corporation at or near Cloquet, Minn., to Reno, Nev., Phoenix, Ariz.; Denver, Colo.; Salt Lake City, Utah, Milwaukee, Oregon and points in Calif., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Diamond International Corporation, 733 Third Avenue, New York, N.Y. 10017. Send protests to: Ronald R. Mau District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 140471 (Sub-No. 4TA), filed July 19, 1977. Applicant: R. J. C. TRANSPORT CORP., 23 S. Main St., Pearl River, N.Y. 10965. Applicant's representative: Ronald I. Shapss, 450 Seventh Ave., New York, N.Y. 10001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper carbons, ribbons, inked ribbon tape, cleaning compound, paper forms, printing ink, paper sets, typewriter pads, plastic articles, teletype perforated tapes, paper, alcohol solvent, machine covers, plastic pellets, and materials, equipment and supplies* (except commodities in bulk, and those which because of size or weight require the use of special equipment), between the facilities of the Burroughs Corp. at or near City of Industry, Calif., Bardstown, Ky., Park Ridge, N.J., and Rochester, N.Y., on the one hand, and, on the other, points in Alabama, California, Massachusetts, Connecticut, Kentucky, New Jersey, New York, Ohio, Pennsylvania, and Texas, under a continuing contract or contracts with the Burroughs Corp. of Park Ridge, N.J. Restricted against the transportation of commodities between the City of Industry, Calif., on the one hand, and, on the other, points in California, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Burroughs Corp., 76 Park Ave., Park Ridge, N.J. Send protests to: Maria B. Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 140842 (Sub-No. 5TA), filed August 3, 1977. Applicant: B AND P MOTOR LINES, INC., P.O. Box 727, Forest City, N.C. 28043. Applicant's representative: George W. Clapp, 109 Hartsville St., P.O. Box 836, Taylors, S.C. 29687. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Air cleaners, fuel and oil filters, air cleaner cartridges, and oil filter cartridges, and materials and supplies* used in the marketing or distribution of the foregoing commodities, from Dillon, S.C., to Des Moines, Iowa, Kansas City, Kans., Minneapolis and St. Paul, Minn., St. Louis, Mo., Omaha, Nebr., Oklahoma City and Tulsa, Okla., Dallas and Houston, Tex., and points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming, under a continuing contract, or contracts, with Wix Corp., for 180 days. Supporting Shipper: Wix Corp., P.O. Box 1967, Gastonia, N.C. 28052. Send protests to: District Supervisor Terrell Price, Interstate Commerce Commission, 800 Briar Creek Rd., Mart Office Bldg. CC-516, Charlotte, N.C. 28205.

No. MC 142503 (Sub-No. 8TA), filed August 12, 1977. Applicant: NATIONAL TRANSPORTATION, INC., P.O. Box 37465, 14031 "L" St., Omaha, Nebr. 68137. Applicant's representative: Joseph Winter, 33 No. LaSalle St., Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Table sauce* (other than frozen), from the facilities of Kikkoman Foods, Inc., at Walworth, Wis., to points in California,

for 180 days. Supporting shipper(s): W. E. Nelson Manager of Administration, Kikkoman Foods, Inc. P.O. Box 69, Walworth, Wis. 53184. Send protests to: Carrol Russell District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th St., Omaha, Nebr. 68102.

No. MC 143464 (Sub-No. 1TA), filed August 2, 1977. Applicant: JOHNNY B. ROACH, Route 1, Box 30, Royston, Ga. 30662. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and lime*, in bags and bulk, from Tyner, Tenn., Andrews, N.C., Anderson, S.C., and Ownes, S.C., to Royston, Ga., under a continuing contract or contracts with Farmers Mutual Exchange, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Farmers Mutual Exchange, P.O. Box 495, Royston, Ga. 30662. Send protests to: Terrecia L. Standridge, Transportation Assistant, Interstate Commerce Commission, 1252 West Peachtree Street NW., Room 300, Atlanta, Ga. 30309.

No. MC 143512TA, filed July 15, 1977. Applicant: ALL CORPS., 838 Hutchison St., Vista, Calif. 92083. Applicant's representative: Wayne E. Faulkner (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bakery goods*, for the account of Pogens Family Bakery Inc., between the plant site of Pogens Family Bakery Inc. at Compton, Calif., and Boston, Mass.; Chicago, Ill.; Denver, Colo.; Kansas City, Mo.; Milwaukee, Wis.; Minneapolis, Minn.; Las Vegas, Nev.; Philadelphia, Pa.; Portland, Oreg.; Seattle, Wash.; Washington, D.C.; and Waterbury, Conn. (2) *Bakery good ingredients*, viz; oats, flour, sugar and prepared bakery mix: From Minneapolis, Minn., to the plant site of Pogens Family Bakery, Inc., at Compton, Calif., for 180 days. Supporting shipper: Pogens Family Bakery, Inc., 1800 S. Anderson Ave., Compton, Calif. 90220. Send protests to: Irene Carlos, Transportation Assistant, Interstate Commerce Commission, Room 1321 Federal Building, 300 North Los Angeles St., Los Angeles, Calif. 90012.

No. MC 143529 (Sub-No. 1TA), filed August 1, 1977. Applicant: NORTH & SOUTH LINES, INC., 2710 South Main St., Harrisonburg, Va. 22801. Applicant's representative: Robert B. Walker, Goff, Sims, Cloud, Stroud & Shepherd, 915 Pennsylvania Building, 425 13th St. NW., Washington, D.C. 20004. Authority to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated containers*, knocked down, from Harrisonburg, Va., to points in Delaware, Maryland, North Carolina, New Jersey, New York, Pennsylvania, West Virginia and the District of Columbia, under a continuing contract, or contracts, with Packaging Corp. of America, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Packaging Corp. of America, Harrisonburg, Va. Send protests to: Danny R. Beeler District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 210, Roanoke, Va. 24011.

No. MC 143541 (Sub-No. 1TA), filed August 4, 1977. Applicant RICHARD A. AND BARBARA SWAIM, doing business as, R. & B. TRUCK LINE CO., 2608 S. 36th Ave., Yakima, Wash. 98903. Applicant's representative: Earle V. White, 2400 S. W. Fourth Ave., Portland, Oreg. 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Long Beach and Wilmington, Calif., to Portland, Oreg., Kent and Seattle, Wash., for 180 days. Supporting shippers: Standard Fruit & Steamship Co., 17880 Sky Park Circle No. 104, Irvine, Calif. 92714. Albertson's, Inc., 302 SE. Washington, St., Portland, Oreg. 97214. Albertsons Distribution, 19801 78th Ave., South Kent, Wash. 98031. Send protests to: R. V. Dubay, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, Oreg. 97204.

No. MC 143560 (Sub-No. 1TA), filed August 1, 1977. Applicant: STANLEY TRANSPORTS CO., 2641 Faxon Ave., Memphis, Tenn. 38112. Applicant's representative: John Paul Jones, P.O. Box 3140, Front Street Station, Memphis, Tenn. 38103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Belleville, Ill., to Memphis, Tenn., under a continuing contract or contracts with Shelby Sales Company, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Shelby Sales Co., Inc., 2606 Faxon, Memphis, Tenn. 38112. Send protests to: Mr. Floyd A. Johnson, District Supervisor, Interstate Commerce Commission, 100 North Main Building—Suite 2006, 100 North Main St., Memphis, Tenn. 38103.

No. MC 143568 (Sub-No. 1TA), filed August 12, 1977. Applicant: SIMMONS TRUCKING, INC., P.O. Box 71, Glenwood, Mo. 63541. Applicant's representative: Frank W. Taylor, Jr., Suite 600, 1221 Baltimore Ave., Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal and fly ash*, between points in Mo., Iowa and Ill., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Missouri Mining, Inc., P.O. Box 207, Unionville, Mo. 63565. Send protests to: Vernon V. Coble, District Supervisor Interstate Commerce Commission, 600 Federal Building, 911 Walnut St., Kansas City, Mo. 64106.

No. MC 143569TA, filed August 4, 1977. Applicant: JAMES PARRAMORE, dba. PARRAMORE TRUCKING CO., P.O. Box 1413, Valdosta, Ga. 31601. Applicant's representative: C. E. Walker, P.O. Box 1085, Columbus, Ga. 31902. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Poles, piling, posts, lumber and lumber materials*, between all points in the States of Alabama, Florida, Georgia, South Carolina and N.C., for 180 days. Supporting Shipper(s): Clark-Hill Lumber Co., Inc., Gulf Life Tower, Jacksonville, Fla. 32207. The Langdale Co., P.O. Box 1088, Valdosta, Ga. 31601. Send protests to: G. H. Fauss, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, Fla 32202.

No. MC 143585TA, filed August 10, 1977. Applicant: HAROLD TYLER, TYLER TRUCKING, 2820 Larimore Ave., Omaha, Nebr. 68111. Applicant's representative: Harold Tyler (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand, gravel, seed bed mix, and top dressing* for landscaping or golf course greens, from points in Nebr., to points in South Dakota, Iowa, Missouri and Kans., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Lyman-Richey Sand & Gravel Corporation, William R. Brooks, Vice President and Treasurer, 4315 Cuming St., Omaha, Nebr. 68131. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th Street, Omaha, Nebr. 68102.

No. MC 143587TA, filed August 11, 1977. Applicant: SOUTHERN PAPER STOCK COMPANY, P.O. Box 622, Spartanburg, S.C. 29304. Applicant's representative: William P. Jackson, Jr., P.O. Box 1267, Arlington, Va. 22210. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pulpboard*, from the facilities of Union Camp Corporation at or near Prattville, Ala., to the facilities of Union Camp Corporation at or near Spartanburg, S.C., *Waste or scrap paper*, from Spartanburg, S.C., to the facilities of Union Camp Corporation at or near Prattville, Ala., restricted to the transportation of shipments under a continuing contract, or contracts, with Union Camp Corporation for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Union Camp Corporation, 1600 Valley Road, Wayne, N.J. 07470. Send protests to: Strotheid District Supervisor, Interstate Commerce Commission, Room 302, 1400 Building, 1400 Pickens Street, Columbia, S.C. 29201.

PASSENGER APPLICATIONS

No. MC 84728 (Sub-No. 63 TA), filed August 4, 1977. Applicant: SAFEWAY TRAILS, INC., 1200 I Street, NW., Washington, D.C. 20005. Applicant's representative: Gayla L. Campbell, 1500 Jackson St., Suite 422, Dallas, Tex. 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and*

their baggage and express and newspapers in the same vehicle with passengers. From junction U.S. Highway 40 and N.J. Highway 55 near Malaga, N.J.; thence over New Jersey Highway 55 to Vineland, N.J.; thence over city streets to New Jersey Highway 54; thence over New Jersey Highway 54 to junction N.J. Highway 54 and U.S. Highway 40 at Buena, N.J. and return over the same route serving all intermediate points, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: There are approximately forty (40) statements of support attached to the application which may be examined at the Interstate Commerce Commission in Washingon, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Interstate Commerce Commission, 12th and Constitution Avenue, NW., Room 1413, W. C. Hersman, District Supervisor Washington, D.C. 20423.

No. MC 143564TA, filed August 2, 1977. Applicant: BANANA BELT BUS SERVICE, INC., 717 East Grant, Spearfish, S. Dak. 57783. Applicant's representative: J. Maurice Andren, 1734 Sheridan Lake Rd., Rapid City, S. Dak. 57701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, between Belle Fourche, S. Dak., and Colony, Wyo., including points within five miles of such points, for 180 days. Supporting shippers: IMC Foundry Products, 17350 Ryan Rd., Detroit, Mich. 48212, Robert A. Falconer, Production Manager, Federal Bentonite 609 5th Ave., Belle Fourch, S. Dak. 57717, Calvin Geis, Production Manager. Send protests to: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 455, Federal Building, Pierre, S. Dak. 57501.

By the Commission.

H. G. HOMME, JR.,
Acting Secretary.

[FR Doc.77-25588 Filed 8-31-77;8:45 am]

[AB 12 (Sub-No. 52)]

SOUTHERN PACIFIC TRANSPORTATION CO.

Abandonment Between Kaplan and Eunice, In Acadia, St. Landry and Vermilion Parishes, Louisiana

AUGUST 23, 1977.

The Interstate Commerce Commission hereby gives notice that: 1. The Commission's Section of Energy and Environment has prepared an environmental threshold assessment survey in the above-entitled proceeding in which it was concluded that the proceeding does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq. 2. A notice setting forth this conclusion was served July 11, 1977, and no substantive comments in opposition, of an environmental nature, have been received by the Commission in response to said notice. 3. This proceeding is now ready for further disposition within the Office of Hearings or the Office of Proceedings as appropriate.

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

[FR Doc. 77-25590 Filed 8-31-77; 8:45 a.m.]

[Ex Parte 241, Rule 19; Exemption No. 63, Amdt. No. 10]

BESSEMER AND LAKE ERIE RAILROAD CO., AND CONSOLIDATED RAIL CORP.

Mandatory Car Service Rules

Upon further consideration of Exemption No. 63 issued February 12, 1974.

It is ordered, That, under authority vested in me by Car Service Rule 19, Exemption No. 63 to the Mandatory Car Service Rules ordered in Ex Parte No. 241 be, and it is hereby, amended to expire November 30, 1977.

This amendment shall become effective August 31, 1977.

Issued at Washington, D.C., August 23, 1977.

INTERSTATE COMMERCE COMMISSION,
JOEL E. BURNS,
Agent.

[FR Doc. 77-25591 Filed 8-31-77; 8:45 am]

[Ex Parte 241, Rule 19; Rev. Exemption No. 55, Amdt. No. 2]

NORFOLK AND WESTERN RAILWAY CO. AND CONSOLIDATED RAIL CORP.

Mandatory Car Service Rules

Upon further consideration of Revised Exemption No. 55 issued November 23, 1976.

It is ordered, That, under authority vested in me by Car Service Rule 19, Revised Exemption No. 55 to the Mandatory Car Service Rules ordered in Ex Parte No. 241 be, and it is hereby, amended to expire November 30, 1977.

This amendment shall become effective August 31, 1977.

Issued at Washington, D.C., August 23, 1977.

INTERSTATE COMMERCE COMMISSION,
JOEL E. BURNS,
Agent.

[FR Doc.77-25593 Filed 8-31-77;8:45 am]

[Ex Parte 241, Rule 19; Exemption No. 109, Amdt. No. 6]

THE ATCHISON, TOPEKA AND SANTA FE RAILWAY CO. AND CONSOLIDATED RAIL CORP.

Mandatory Car Service Rules

Upon further consideration of Exemption No. 109 issued March 2, 1976.

It is ordered, That, under authority vested in me by Car Service Rule 19, Exemption No. 109 to the Mandatory Car Service Rules ordered in Ex Parte No. 241 be, and it is hereby, amended to expire November 30, 1977.

This amendment shall become effective August 31, 1977.

Issued at Washington, D.C., August 23, 1977.

INTERSTATE COMMERCE COMMISSION,
JOEL E. BURNS,
Agent.

[FR Doc.77-25594 Filed 8-31-77;8:45 am]

[Rev. S.O. No. 1252; Order No. 6, Amdt. No. 2]

BALITIMORE AND OHIO RAILROAD CO.

Rerouting Traffic

Upon further consideration of I.C.C. Order No. 6, (The Baltimore and Ohio Railroad Company) and good cause appearing therefor:

It is ordered, That: I.C.C. Order No. 6 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., February 28, 1978, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., August 31, 1977, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., August 23, 1977.

INTERSTATE COMMERCE COMMISSION,
JOEL E. BURNS,
Agent.

[FR Doc.77-25592 Filed 8-31-77;8:45 am]

[Volume No. 32]

PETITIONS, APPLICATIONS, FINANCE MATTERS (INCLUDING TEMPORARY AUTHORITIES), RAILROAD ABANDONMENTS, ALTERNATE ROUTE DEVIATIONS, AND INTRASTATE APPLICATIONS

AUGUST 26, 1977.

PETITIONS FOR MODIFICATION, INTERPRETATION, OR REINSTATEMENT OF OPERATING RIGHTS AUTHORITY

NOTICE

The following petitions seek modification or interpretation of existing operating rights authority, or reinstatement of terminated operating rights authority.

The Commission has recently provided for easier identification of substantive petition matters and all documents should clearly specify the "docket", "sub", and "suffix" (e.g. M1, M2) numbers identified by the FEDERAL REGISTER notice.

An original an done copy of protests to the granting of the requested authority must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice. Such protest shall comply with Special Rule 247(d) of the Commission's *General Rules of Practice* (49 CFR 1100.237)[1] and shall include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon petitioners representative, or petitioner if no representative is named.

No. MC 17829 (Sub-No. 12) (M1) (notice of filing of petition to modify the territorial description) filed August 8, 1977. Petitioner: DISILVA TRANSPORTATION, INC., 30 Middlesex Avenue, Somerville, Mass. 02145. Petitioner's representative: James F. Martin, Jr., 69 Milliken Avenue, Franklin, Mass. 02038. Petitioner holds a motor *contract carrier* permit in No. MC 17829 (Sub-No. 12), issued December 23, 1968, authorizing transportation, over irregular routes, of *such merchandise* as is dealt in by wholesale, retail, and chain stores and food business houses, and in connection therewith, *equipment, materials,* and *supplies* used in the conduct of such business (except commodities in bulk), (1) between Portland, Maine, Southboro, Mass., Hartford, Conn., and South Kearny, N.J., on the one hand, and, on the other, points in New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New Jersey, and those in that part of New York, on and south of a line beginning at the Vermont-New York State line and extending along New York Highway 7 to Binghamton, thence along Interstate Highway 81 to the New York-Pennsylvania State line; (2) between Somerville and Southboro, Mass., Hartford, Conn., and South Kearney, N.J., on the one hand, and, on the other, points in Maine; and (3) between Somerville, Mass., on the one hand, and, on the other, points in New Hampshire (except Keene), Vermont (except Brattleboro), Massachusetts, Connecticut, Rhode Island, New Jersey, and those in that part of New York on and south of a line beginning at the Vermont-New York State line and extending along New York Highway 7 to Binghamton, thence along Interstate Highway 81 to the New York-Pennsylvania State line, under a continuing contract, or contracts, with First National Stores, Inc., of Somerville, Mass. By the instant petition, petitioner seeks to modify the above authority to read as follows: *Such merchandise* as is dealt in by wholesale, retail, and chain stores and food business houses, and in connection therewith, *equipment, materials,* and *supplies* used in the conduct of such business (except commodities in bulk), (1) between Portland, Maine, Southboro, Mass., Hartford and Windsor Locks, Conn., and South Kearny, N.J., on the one hand, and, on the other, points in New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New Jersey, and those in that part of New York on and south of a line beginning at the Vermont-New York State line and extending along New York Highway 7 to Binghamton, thence along Interstate Highway 81 to the New York-Pennsylvania State line; (2) between Somerville and Southboro, Mass., Hartford and Windsor Locks, Conn., and South Kearny, N.J., on the one hand, and, on the other, points in Maine; and (3) between Somerville, Mass., on the one hand, and, on the other, points in New Hampshire (except Keene), Vermont (except Brattleboro), Massachusetts, Connecticut, Rhode Island, New Jersey, and those in that part of New York on and south of a line beginning at the Vermont-New York State line and extending along New York Highway 7 to Binghamton, thence along Interstate Highway 81 to the New York-Pennsylvania State line, under a continuing contract, or contracts with First National Stores, Inc., of Somerville, Mass.

No. MC 75320 (Sub-No. 173) (MI) (notice of filing of petition to delete restriction), filed August 5, 1977. Petitioner: CAMPBELL SIXTY-SIX EXPRESS, INC., P.O. Box 807, Springfield, Mo. 65801. Petitioner's representative: John A. Crawford, P.O. Box 22567, Jackson, Miss. 39205. Petitioner holds a motor *common carrier* certificate in No. MC 75320 (Sub-No. 173), issued March 31, 1975, authorizing transportation, over regular routes, of *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Durant, Okla., and Texarkana, Ark., serving no intermediate points: from Durant over U.S. Highway 70 to junction U.S. Highway 271 near Hugo, Okla., thence over U.S. Highway 271 to junction U.S. Highway 82 at or near Paris, Tex., thence over U.S. Highway 82 to Texarkana, and return over the same route, restricted against the transportation of traffic originating at, destined to, or interlined with connecting carriers at (1) Memphis, Tenn., and points within its commercial zone, or (2) points in that part of Arkansas located on and north of a line beginning at the Oklahoma-Arkansas State line, and extending over U.S. Highway 64 to Conway, Ark., thence over Interstate Highway 40 to Little Rock, Ark., and thence over U.S. Highway 70 to the Arkansas-Tennessee State line, including points in the commercial zone of each such point. By the instant petition, petitioner seeks to modify the above authority by deleting the restriction which reads "restricted against the transportation of traffic originating at, destined to, or interlined with connecting carriers at (1) Memphis, Tenn., and points within its commercial zone, or (2) points in that part of Arkansas located on and north of a line beginning at the Oklahoma-Arkansas State line, and extending over U.S. Highway 64 to Conway, Ark., thence over Interstate Highway 40 to Little Rock, Ark., and thence over U.S. Highway 70 to the Arkansas-Tennessee State line, including points in the commercial zone of each such point."

No. MC 109825, M1 (notice of filing of petition to add an additional base point), filed: August 2, 1977. Applicant: MASHKIN FREIGHT LINES, INC., P.O. Box 87, East Hartford, Conn. 06102. Applicant's representative: Chandler L. van Orman, 704 Southern Building, Washington, D.C. 20005. Petitioner seeks modification of two separate grants of operating authority contained within its lead certificate by adding to each the point of East Hartford, Conn. Petitioner presently holds authority to transport, as pertinent, over irregular routes, *General commodities* (with the usual exceptions). Between points and places in the towns of Chester and Saybrook, Conn., on the one hand, and, on the other, points and places in Massachusetts, New Jersey, New York, Pennsylvania, and Rhode Island. Between Essex, Conn., on the one hand, and, on the other, points and places in Massachusetts, New Jersey, New York, Pennsylvania and Rhode Island. By tacking these separate grants with its Sub-No. 9 certificate, which authorizes the transportation of General Commodities between all points in Conn., Petitioner has been providing a through service for the public. This tacking was permitted by Order served April 18, 1975, in MC-F-12226. By this petition Mashkin seeks only to add East Hartford to each of the separate grants so that they would read: Between points and places in the towns of Chester, Saybrook, and East Hartford, Conn., on the one hand, and, on the other, points and places in Massachusetts, New Jersey, New York, Pennsylvania, and Rhode Island. Between Essex and East Hartford, Conn., on the one hand, and, on the other, points and places in Massachusetts, New Jersey, New York, Pennsylvania and Rhode Island. The proposed modification would allow Mashkin to reduce its fuel consumption by joining the two grants at East Hartford, the site of its only terminal, and bypassing Essex and Saybrook. No new operations would result. Petitioner's motor *common carrier* Certificate, in MC 109825 was issued December 27, 1949.

No. MC 112822 (Sub-No. 117 (MI) (notice of filing of petition to modify territorial description), filed July 28, 1977. Petitioner: BRAY LINES INCORPORATED, P.O. Box 1191, 1401 North Little St., Cushing, Okla. 74023. Petitioner's representative: Nancy P. Bigbee, 1600 Lincoln Center Building, 1660 Lincoln Street, Denver, Colo. 80264. Petitioner holds a motor *common carrier* certificate in No. MC 112822 (Sub-No. 117), issued August 22, 1977, authorizing transportation over irregular routes, of Malt beverages, from Fort Worth, Tex., to Las Cruces, Roswell, Albuquerque, and Santa

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

Fe, N. Mex., and Grand Junction, Greeley, Denver, Glenwood Springs, Sterling, Durango, Pueblo, Colorado Springs, Steamboat Springs, and Salida, Colo. By the instant petition, petitioner seeks to modify the above authority by modifying the territorial description to read: "from Fort Worth, Tex., to Las Cruces, Roswell, Albuquerque, and Santa Fe, N. Mex., and points in Colorado".

No. MC 114273 (Sub-119) (MI) (notice of filing of petition to modify a certificate), filed July 18, 1977. Petitioner: CRST, Inc., P.O. Box 68, Cedar Rapids, Iowa 52406. Petitioner's representative: Donald K. Twite (same address as petitioner). Petitioner holds a motor *common carrier* certificate in No. MC 114273 (Sub No. 119), issued March 6, 1973, authorizing transportation over irregular routes of *Steel Welding Wire* from Troy, Ohio to points in Colorado, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, and Texas. By the instant petition, petitioner seeks to modify the authority above, so as to read: *Steel Welding Wire and Welding Machines, Welding Compounds and Welding Accessories when moving in mixed loads with Steel Welding Wire.* From Troy, Ohio to points in Colorado, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, and Texas.

No. MC 117119 (Sub-No. 548) M1 (notice of filing of petition to modify a certificate) filed August 8, 1977. Petitioner: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Petitioner's representative: Martin M. Geffon, P.O. Box 338, Willingboro, N.J. 08046. Petitioner holds a motor *common carrier* certificate in No. MC–117119 (Sub-No. 548), issued November 12, 1976, authorizing transportation over irregular routes, of *Chemicals* (except in bulk), and *personal industrial safety devices*, in mixed loads, in vehicles equipped with mechanical refrigeration, from points in Somerset County, N.J., and Pleasants County, W. Va., to points in California and Texas, with no transportation for compensation on return except as otherwise authorized. Restriction: The authority granted herein is restricted to the transportation of traffic originating at the facilities of American Cyanamid Company in the above-named Counties. By the instant petition, petitioner seeks to modify the above authority by deleting the words "in mixed loads" so as to allow the transportation of chemicals independently from the industrial safety devices.

No. MC 119734 M1 (notice of filing of petition to modify a restriction), filed July 8, 1977. Petitioner: JOE CALABRESE, doing business as CALABRESE TRUCKING SERVICE, 1548 Grimes, Modesto, Calif. 95351. Petitioner's representative: Eldon M. Johnson, 650 California Street, Suite 2808, San Francisco, Calif. 94108. Petitioner holds a motor *common carrier* Certificate in No. MC 119734, authorizing transportation, as pertinent over irregular routes, *general commodities*, except those of unusual value, livestock, household goods as defined by the Commission, petroleum products, in bulk, in tank vehicles, heavy machinery, and construction equipment, and commodities requiring special equipment, from the site of the Stockton General Depot at or near Lathrop and Lyoth, Calif., to Alameda, Oakland, Berkeley, Richmond, and San Francisco, Calif., with no transportation for compensation on return except as otherwise authorized. By the instant petition, petitioner seeks to modify the above restriction by deleting "with no transportation for compensation on return" by reflecting inbound traffic and substituting in lieu of Stockton General Depot, to service between United States Government facilities at Stockton, Lathrop, and Lyoth, Calif., on the one hand, and, on the other, Alameda, Oakland, Berkeley, Richmond, and San Francisco Calif.

No. MC 129808 (Sub-No. 20 (MI) (Notice of filing of petition to add a commodity), filed July 25, 1977. Petitioner: GRAND ISLAND CONTRACT CARRIER, INC., P.O. Box 2078, Grand Island, Nebr. 68801. Petitioner's representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, Nebr. 68501. Petitioner holds a motor *contract carrier* Permit in No. MC 129808 (Sub-No. 20), issued March 15, 1977, authorizing transportation, over irregular routes, (1) *Irrigation pipe and fittings* (except iron and steel articles and earth drilling commodities), from the plant site and warehouse facilities of Heinzman Manufacturing Co., Division of Heinzman Engineering, Inc., at or near Grand Island, Nebr., to points in the United States (except Alaska and Hawaii and those in the Davenport, Iowa-Rock Island and Moline, Ill., Commercial Zone, as defined by the Commission), with no transportation for compensation on return except as otherwise authorized; and (2) *materials, supplies and equipment* used in the manufacture, sale, and distribution of irrigation pipe and fittings (except iron and steel articles, earth drilling commodities, and commodities in bulk), from Lewisport and Hawesville, Ky., Oswego, N.Y., Lancaster, Pa., Los Angeles, Calif., and Seattle, Wash., to the plant site and warehouse facilities of Heinzman Manufacturing Co., at or near Grand Island, Nebr., with no transportation for compensation on return except as otherwise authorized. Restriction: The operations authorized herein are limited to a transportation service to be performed, under a continuing contract or contracts, with Heinzman Manufacturing Co., of Grand Island, Nebr. By the instant petition, petitioner seeks to include "travelers and hose reel" in the commodity description in (1) and (2) above.

No. MC 133841 (Sub-No. 2) (M1) (Notice of filing of petition to delete restriction), filed July 14, 1977. Petitioner: DAN BARCLAY, INC., 362 Main Street, Lincoln Park, N.J. 07035. Petitioner's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Petitioner holds a motor *common carrier* certificate in No. MC 138841 (Sub-No. 2), issued May 26, 1977, authorizing transportation, over irregular routes, of Air pollution control, solar cooling, and heating units, and equipment, materials, and supplies used in the manufacture and installation thereof, (except commodities in bulk), between the facilities of the Edwards Engineering Corporation, located at or near Pompton Plains, N.J., on the one hand, and, on the other, points in the United States, (except Alaska and Hawaii), restricted to shipments originating at or destined to the above-named points. By the instant petition, petitioner seeks to modify the above authority by deleting the restriction which reads: "restricted to shipments originating at or destined to the above-named points.

No. MC 135532 (M1) (Notice of filing of petition to delete restriction), filed July 26, 1977. Petitioner: FURNITURE WHOLESALERS, INC., 61 Pearce St., Fall River, Mass 02720. Petitioner's representative: Andrew Shabshelowitz, 263 Walnut St., Fall River, Mass. 02722. Petitioner holds a motor *contract carrier* Permit in No. MC–135532 issued May 19, 1976, authorizing transportation over irregular routes, of *Crated new household furniture* and *new household furnishings*, from Fall River, Mass., to points in Connecticut, Rhode Island, and Bristol County, Mass.; and *returned shipments*, of the above-named commodities, from points in Connecticut, Rhode Island, and Bristol County, Mass., to Fall River, Mass. Restrictions: The service authorized herein is subject to the following conditions: (1) The operations authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts, with Bassett Furniture Industries, of Bassett, Va.; (2) Said carrier shall maintain completely separate accounting systems of its private and for-hire operations; and (3) Said carrier shall not at the same time and in the same vehicle transport property both as a private carrier and as a carrier for hire. By the instant petition, petitioner seeks to modify the above authority by deleting the restriction in (3) above.

Republications of Grants of Operating Rights Authority Prior to Certification

Notice

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the Federal Register.

An original and one copy of a petition for leave to intervene in the proceeding must be filed with the Commission within 30 days after the date of this Federal Register notice. Such pleading shall comply with Special Rule 247(d) of the Commission's General Rules of Practice (49 CFR 1100.247) addressing specifically the issue(s) indicated as the pur-

pose for republication, and including copies of intervenor's conflicting authorities and a concise statement of intervenor's interest in the proceeding setting forth in detail the precise manner in which it has been prejudiced by lack of notice of the authority granted. A copy of the pleading shall be served concurrently upon the carrier's representative, or carrier if no representative is named.

No. MC 134287 (Sub-No. 1) (Republication) filed June 6, 1975, published in the FEDERAL REGISTER issue of July 17, 1975, and republished this issue. Applicant: BELLEVUE TRUCKING COMPANY, a corporation, P.O. Box 146, Warren, Ohio 44482. Applicant's representative: Paul F. Beery, 8 East Broad Street, Ninth Floor, Columbus, Ohio 43215. An Order of the Commission, Review Board Number 1, dated August 18, 1976, and served August 25, 1976, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, in the transportation of (1) *steel,* from Philadelphia, Pa., to points in Connecticut and Massachusetts; (2) *copper* (a) from Carteret, N.J., to points in Connecticut, Massachusetts, and Rhode Island, and (b) from Queens, N.Y., to points in Rhode Island; (3) *lead and zinc,* from Wilmington, Del., and Philadelphia, Pa., to points in Connecticut; and (4) *lead,* from Wilmington, Del., to points in Pennsylvania, restricted in (1) through (4) above to the transportation of commodities requiring the use of special equipment; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to indicate the grant of authority in (4) above to all points in Pennsylvania in service from Wilmington, Del., in lieu of to points within 200 miles of Newark, N.J.

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER OPERATING RIGHTS APPLICATIONS

NOTICE

The following applications are governed by Special Rule 247 of the Commission's General Rules of Practice (49 CFR § 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date of notice of filing of the application is published in the FEDERAL REGISTER. Failure to seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with Section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularly the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) further provides, in part, that an applicant who does not intend timely to prosecute its application shall promptly request dismissal thereof, and that failure to prosecute an application under procedures ordered by the Commission will result in dismissal of the application.

Further processing steps will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 200 (Sub-No. 292), filed July 19, 1977. Applicant: RISS INTERNATIONAL CORPORATION, 903 Grand Avenue, Kansas City, Missouri 64106. Applicant's represenative: Ivan E. Moody (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Fiberglass materials and fiberglass products, fibrous glass textile materials, fibrous glass textile products, fibrous glass mineral wool products, plastic materials, and plastic products,* from the plant site and warehouse facilities of Owens-Corning Fiberglas Corporation at or near Newark, Ohio to points in the states of Arkansas, Louisiana, Oklahoma, and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Missouri or Columbus, Ohio.

No. MC 2900 (Sub-No. 309), filed July 25, 1977. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, P.O. Box 2408, Jacksonville, Fla. 32203. Applicant's representative: S. E. Somers, Jr. (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: General Commodities (except household goods as defined by the Commission, Classes A and B explosives, commodities in bulk and those requiring special equipment): Serving the plant site and facilities of Bassett-Walker Knitting Company at or near Stuart, Va. as an off route point in connection with applicant's presently authorized regular routes.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Greensboro, N.C.; or Washington, D.C.

No. MC 2900 (Sub-No. 310), filed July 25, 1977. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, P.O. Box 2408, Jacksonville, Fla. 32203. Applicant's representative: S. E. Somers, Jr. (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: General Commodities (except household goods as defined by the Commission, Classes A and B explosives, commodities in bulk and those requiring special equipment): Serving the plantsite and facilities of the Chrysler Corporation at or near Bogalusa, La. as an off route point in connection with applicant's presently authorized regular routes.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.; or Washington, D.C.

No. MC 3101 (Sub-No. 4), filed July 20, 1977. Applicant: SCHAUM TRANSFER COMPANY, a corporation, 410 East Davis Street, St. Louis, Missouri 63111. Applicant's representative: Alki E. Scopelitis, 815 Merchants Bank Building, Indianapolis, Indiana 46204. Authority sought to operate as a *contract carrier,* by motor *vehicle,* over irregular routes, transporting: *Iron and steel articles,* from St. Louis, Missouri, to Alabama, Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Ohio, Oklahoma, Tennessee and Wisconsin, restricted to a continuing contract or contracts with Mississippi Valley Structural Steel, a division of Debron Corporation, St. Louis, Missouri and Stupp Bros. Bridge & Iron Co., St. Louis, Missouri.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either St. Louis, Missouri or Chicago, Illinois.

No. MC 3252 (Sub No. 97), filed July 25, 1977. Applicant: Merrill Transport Co., (a corporation), 1037 Forest Avenue, Portland, Me. 04104. 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 tank vehicles from Orrington, Maine to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey and Pennsylvania.

NOTE.—Common control may be involved. If a hearing is deemed necessary applicant requests it be held at either Portland, Maine, or Boston, Massachusetts.

No. MC 5623 (Sub-No. 34), filed July 15, 1977. Applicant: ARROW TRUCKING CO., a corporation, P.O. Box 7280,

Tulsa, OK 74105. Applicant's representative: J. G. Dail, Jr., P.O. Box 567, McLean, VA 22101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *pre-cut log buildings, knocked down, and materials and supplies used in the construction of such commodities*, from Claremore, OK, to points in Illinois, Missouri, Arkansas, Louisiana, Texas, Kansas, Colorado, Nebraska, Iowa, Minnesota, and South Dakota.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Tulsa, OK.

No. MC 5623 (Sub-No. 35), filed July 19, 1977. Applicant: ARROW TRUCKING CO., a corporation, P.O. Box 7280, Tulsa, OK 74105. Applicant's representative: J. G. Dail, Jr., P.O. Box 567, McLean, VA 22101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *pipe, boiler tubing and fabricated steel pipe, boilers and boiler parts including valves, coal crusher-feeders and burners, fabricated steel weldments, steel castings, and steel plate*, from the plantsites of Riley Stoker Corp., at Erie, PA, and Sapulpa, OK, to points in the United States, (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Boston, MA, or Washington, DC.

No. MC 13250 (Sub-No. 137), filed July 19, 1977. Applicant: J. H. ROSE TRUCK LINE, Inc., P.O. Box 16190, Houston, Texas 7702. Applicant's representative: James M. Doherty, 500 West Sixteenth Street, P.O. Box 1945, Austin, Texas 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Boats;* and (2) *parts attachments, accessories* and *supplies* for the commodities described in (1) above between the plantsite of *Watercraft America, Inc.*, located at or near New Smyrna Beach, Florida, on the one hand, and, on the other, points in the United States, including Alaska but excluding Hawaii.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Jacksonville, Florida, or Atlanta, Georgia.

No. MC 22182 (Sub-No. 32), filed July 19, 1977. Applicant: NU-CAR CARRIERS, INC., 950 Haverford Road, Bryn Mawr, Pennsylvania 19010. Applicant's representative: Gerald K. Gimmel, Suite 145, 4 Professional Drive, Gaithersburg, Maryland 20760. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New automobiles, new trucks*, and *new motor homes*, in truckaway service, in secondary movements, between Jacksonville, Fla., on the one hand, and, on the other, points in Alabama, Arkansas, Kentucky, Mississippi and Tennessee.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Jacksonville, Fla. or Washington, D.C.

No. MC 25562 (Sub 31), filed July 19, 1977. Applicant: A. R. GUNDRY, INC., 85 Stanton Street, Rochester, N.Y. 14611. Applicant's representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, Ohio 44114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lubricating grease*, in bulk, in tank vehicles, from Buffalo, N.Y., to Sparrows Point, Md.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held in Washington, D.C.

No. MC 29120 (Sub-No. 204), filed July 25, 1977. Applicant: ALL-AMERICAN, INC., 900 West Delaware, P.O. Box 709, Sioux Falls, S. Dak. 57101. Applicant's representative: Dennis Riswold (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Coolers, heat exchangers or equilizers for air, gas or liquids and such commodities as are used in the manufacture of coolers, heat exchangers or equalizers including materials, supplies and accessories*, between the plantsite and storage facilities utilized by Heat Transfer Division, McCord Corporation at Canton, S. Dak., on the one hand, and, on the other, New Stanton, Pa., and points in Indiana, Michigan, and Ohio, restricted to traffic originating at or destined to the above-named facilities, at Canton, S. Dak.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Sioux Falls, S. Dak.

No. MC 30000 (Sub-No. 4), filed July 19, 1977. Applicant: KENTUCKY TRANSPORT CORPORATION, Suite 381, 400 Sherburn Lane, Louisville, Ky. 40207. Applicant's representative: William L. Willis, 708 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, in the transportation of foodstuffs and related products, except in bulk, moving in vehicles equipped with mechanical refrigeration between the warehouse sites of Louisville Freezer Center in Jefferson County, Ky., on the one hand, and, on the other, all points in Alabama, Arkansas, District of Columbia, Georgia, Illinois, Indiana, Kentucky, Maryland, Michigan, Missouri, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia, restricted to the transportation of freight having an origin or destination at the warehouse sites of Louisville Freezer Center, under a continuing contract or contracts with Louisville Freezer Center, Louisville, Ky.

NOTE.—If a hearing is deemed necessary applicant requests that it be held at Louisville, Frankfort, or Lexington, Ky.

No. MC 39167 (Sub-No. 12), filed July 19, 1977. Applicant: C. J. Rogers Trans. Co., a Corporation, 2947 Greenfield Road, Melvindale, Mich. 48122. Applicant's representative: David A. Turano, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *adhesives, building materials, composition board, gypsum* and *gypsum products, gypsum board paper, mineral fiber products*, and *paint* and *paint products*, and *materials, equipment*, and *supplies* used in the manufacture, packaging, installation, or distribution of the above base commodities (except commodities in bulk), between the facilities of the United States Gypsum Company at or near Gypsum, Ohio (Portage Township, Ottawa County), on the one hand, and, on the other, points in Illinois, Indiana, Kentucky, Maryland, Michigan, New York, Ohio, Pennsylvania, West Virginia and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests that it it be held at either Columbus, Ohio or Washington, D.C.

MC 42011 (Sub-No. 35), filed July 19, 1977. Applicant: D. Q. WISE & CO., INC., P.O. Drawer "L", Tulsa, Okla. 74112. Applicant's representative: J. Michael Alexander, 136 Wynnewood Professional Bldg., Dallas, Tex. 75224. Authority sought to operate as a *common carrier* motor vehicle, over irregular routes, transporting: (1) *Cooling towers and accessories, materials and supplies*, for cooling towers (except in bulk); and, (2) *materials and supplies* used in, or in connection with, manufacturing, fabricating or distribution of commodities in (1) above (except in bulk) between Tulsa, Okla., on the one hand, and on the other, points in Arkansas, Arizona, California, Colorado, Kansas, Louisiana, Mississippi, Missouri, Nevada, New Mexico, New York, Ohio, Pennsylvania, Tennessee, and Texas. Restricted to shipments originating at or destined to facilities of E. D. Goodfellow Co., Inc., located at or near Tulsa, Okla.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Dallas, Tex., or Tulsa, Okla.

No. MC 42487 Sub-No. 863, filed July 25, 1977. Applicant: Consolidated Freightways Corporation of Delaware, 175 Linfield Drive, Menlo Park, Calif. 94025. Applicant's representative: V. R. Oldenburg, P.O. Box 5138, Chicago, Ill. 60680. Authority is sought to operate as a *common carrier*, by motor vehicle, over regular routes transporting: *General commodities* (except those of unusual value, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment): Serving the plantsite and warehouse facilities of The Goodyear Tire & Rubber Company, located at or near Lawton, Okla., as an off-route point in connection with carrier's presently authorized regular route operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at either Washington, D.C. or Cleveland, Ohio.

No. MC 43635 (Sub-No. 23), filed July 14, 1977. Applicant: MERCER TRUCKING COMPANY, INC., N. 1414 Francher Road, P.O. Box 11585, Spokane, Wash. 99211. Applicant's representative: GEORGE H. HART, 1100 IBM Building, Seattle, Wash. 98101. Author-

ity sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting lumber, from ports of entry on the International Boundary line between the United States and Canada located on and east of U.S. Highway 97 in Washington, to points in Oregon, restricted to the transportation of traffic originating in foreign commerce.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Seattle or Spokane, Wash.

No. MC 47583 (Sub-No. 53), filed July 25, 1977. Applicant: TOLLIE FREIGHTWAYS, INC., 1020 Sunshine Road, Kansas City, Kans. 66115. Applicant's representative: D. S. Hults, P.O. Box 225, Lawrence, Kans. 66044. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fibrous Glass Products and Materials, mineral wool, mineral wool products and materials, insulated air ducts, insulating products and materials; glass fiber rovings, yarn and strands, glass fiber mats and mattings*, from the plant site and storage facilities of Certain-Teed Products Corporation/CSG Group, located at or near Kansas City, Kans., and Pauline, Kans., to points in Minnesota and Wisconsin.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo.

No. MC 47912 (Sub-No. 3), filed July 25, 1977. Applicant: JONES TRANSFER LINES, INC., Route No. 2, Pike Lake, Hartford, Wis. 53027. Applicant's representative: Michael S. Varda, 121 South Pinckney Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier* by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods, as defined by the Commission, commodities in bulk, and commodities requiring special equipment), serving Allenton, Wis., as an off-route point in connection with presently held regular route authority.

NOTE.—Applicant requests that if hearing is held, that it be in Milwaukee, Wis.

No. MC 51146 (Sub-No. 510), Filed July 19, 1977. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, Wis. 54306. Applicant's representative: Wayne Downing (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foods and foodstuffs* (except commodities in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration, from the plantsite and warehouse facilities of Kraft, Inc. at Champaign, Ill. to points in Conn., Del., Maine, Mass., N.H., N.J., R.I., Vt., Va., and the District of Columbia; and to points in Md., N.Y., and Pa. that are on and east of Interstate Highway 81, restricted to traffic originating at and destined to the above named origins and destinations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be at Chicago, Ill.

No. MC 52598 (Sub-No. 6), filed July 25, 1977. Applicant: SIOUX CITY REFRIGERATED EXPRESS, INC., P.O. Box 301, West Point, Nebr. 68788. Applicant's representative: Stanley C. Olsen, Jr., 7525 Mitchell Road, Eden Prairie, Minn. 55343. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wheels, wheel rims, related mounting hardware, hubs* and *clamps* from the plantsites and facilities of Peterson Manufacturing Company, at or near Plainfield; Illinois to points in Alabama, Arkansas, Florida, Georgia, Idaho, Indiana, Kentucky, Louisiana, Michigan, Mississippi, Ohio, Oklahoma, Oregon, South Carolina, Tennessee, Texas and Washington under a continuing contract or contracts with Peterson Manufacturing Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.; Chicago, Ill.; or Omaha, Nebr.

No. MC 52704 (Sub-No. 150), filed July 19, 1977. Applicant: GLENN McCLENDON TRCKING COMPANY, INC., P.O. Drawer "H", LaFayette, Ala. 36862. Applicant's representative: Archie B. Culbreth, Suite 246, 1252 West Peachtree St. NW., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products* (except in bulk), from the plantsites and warehouse facilities of United Salt Corporation in Fort Bend and Harris Counties, Tex., to points in North Carolina, South Carolina and to Bristol, Va.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 56679 (Sub-No. 96), filing date July 18, 1977. Applicant: BROWN TRANSPORT CORP., 352 University Avenue SW., Atlanta, Ga. 30315. Applicant's representative: John T. Coon, Director of Commerce, 352 University Avenue SW., Atlanta, Ga. 30315. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and Paper Products* from Savannah, Ga., to New York, N.Y. and points in Pennsylvania, New Jersey, Maryland, and Delaware.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Georgia or Washington, D.C. Common control may be involved.

No. MC 56679 (Sub-No. 97), filed July 15, 1977. Applicant: BROWN TRANSPORT CORP., 352 University Avenue, SW., Atlanta, Ga. 30315. Applicant's representative: John T. Coon, 352 University Avenue SW., Atlanta, Ga. 30315. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General Commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment due to size and weight: (1) between Atlanta, Ga., and Miami, Fla. in connection with carrier's otherwise authorized regular route operations, serving the following highway junctions for the purposes of joinder only: junction of Interstate Highway 75 and U.S. Highway 82 at or near Tifton, Ga.; junction of Interstate Highway 75 with Interstate Highway 10 at or near Lake City, Fla.; from Atlanta, Ga. over Interstate Highway 75 to its junction with Interstate Highway 475 in Monroe County, Ga., thence over Interstate Highway 475 to its junction with Interstate Highway 75 in Bibb County, Ga., thence over Interstate Highway 75 to Tampa, Fla., thence over U.S. Highway 41 to Miami and return over the same route; (2) between junction of Interstate Highway 75 with U.S. Highway 82, at or near Tifton, Ga., and Jacksonville, Fla., in connection with carrier's otherwise authorized regular route operations, serving the terminii for purposes of joinder only; from junction of Interstate Highway 75 with U.S. Highway 82 at or near Tifton, Ga., over U.S. Highway 82 to Waycross, Ga., thence over U.S. Highways 1 and 23 to Jacksonville, Fla. and return over the same routes; (3) between junction of Interstate Highway 75 with Interstate Highway 10 near Lake City, Fla. and Jacksonville, Fla., in connection with carrier's otherwise authorized regular route operations, serving the terminii for purposes of joinder only; from junction of Interstate Highway 75 with Interstate Highway 10, near Lake City, Fla. over Interstate Highway 10 to Jacksonville, Fla., and return over the same routes.

(4) Between Jacksonville, Fla. and junction of Florida Highway 200 with Interstate Highway 75 in Marion County, Fla., in connection with carrier's otherwise authorized regular routes, serving Jacksonville for the purposes of joinder only; from Jacksonville over U.S. Highway 301 to Ocala, Fla., thence over Florida Highway 200 to junction with Interstate Highway 75 in Marion County, Fla., and return over the same route; (5) between junction of Interstate Highway 75 with U.S. Highway 27 in Marion County, Fla., and Miami, Fla., in connection with carrier's otherwise authorized regular routes; from junction of Interstate Highway 75 with U.S. Highway 27 in Marion County, Fla., over U.S. Highway 27 to Miami, Fla., and return over the same route; (6) between Jacksonville, Fla. and Key West, Fla., in connection with carrier's otherwise authorized regular routes, serving Jacksonville for purposes of joinder only; from Jacksonville over Interstate Highway 95 to junction Florida Highway 60 in Indian River County, Fla., thence over Florida Highway 60 to Vero Beach, Fla., thence over U.S. Highway 1 to Key West, and return over the same route; (7) between Daytona Beach, Fla., and Tampa, Fla., in connection with carrier's otherwise authorized regular routes; from Daytona Beach over Interstate Highway 4 to Tampa, and return over the same route;

serving as intermediate and off-route points on or in connection with the above-described alternate routes, all points in Brevard, Broward, Charlotte, Citrus, Clay, Collier, Dade, DeSoto, Flagler, Glades, Herdee, Hendry, Hernando, Highland, Hillsborough, Indian River, Lake, Lee, Manatee, Marion, Martin, Monroe, Okeechobee, Orange, Osceola, Palm Beach, Pasco, Pinellas, Polk, Putnam, St. Johns, St. Lucie, Sarasota, Seminole, Sumter, and Volusia Counties, Fla.

NOTE.—The above routes are sought as alternate regular routes for operating convenience only in connection with applicant's otherwise authorized regular route operations. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 57697 (Sub-No. 7), filed July 20, 1977. Applicant: LESTER SMITH TRUCKING, INC., P.O. Box 16424, Denver, Colo. 80216. Applicant's representative: Michael J. Norton, P.O. Box 2135, Suite 404 Boston Bldg., Salt Lake City, Utah 84110. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: lumber, lumbermill products, sawmill products, wood products, composition board, and wallboard, from points in Wyoming to points in Colorado, Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, and Wisconsin.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Denver, Colo., or Salt Lake City, Utah.

No. MC 57697 (Sub-No. 8), filed July 25, 1977. Applicant: LESTER SMITH TRUCKING, INC., 2645 East 51st Avenue, Denver, Colo. 80216. Applicant's representative: Michael J. Norton, P.O. Box 2135, Salt Lake City, Utah 84110. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting aluminum pipe, pipe fittings, plastic pipe, and plastic pipe fittings, from York, Nebr. to points in Arizona, Arkansas, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wisconsin, and Wyoming.

NOTE.—Common control may be involved. If a hearing is necessary applicant requests that it be held at either Denver, Colo. or Omaha, Nebr.

No. MC 60014 (Sub-No. 51), filed July 25, 1977. Applicant: AERO TRUCKING, INC., Box 308, Monroeville, Pa. 15146. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Aluminum and aluminum products, and equipment, materials and supplies used in the manufacture and processing of aluminum and aluminum products, except commodities in bulk, between the facilities of Martin Marietta Aluminum, Inc., at or near Lewisport, Ky., on the one hand, and, on the other, points in Pennsylvania, West Virginia, Virginia, Delaware, Maryland, New Jersey, New York, Connecticut, Massachusetts, Rhode Island, Vermont, New Hampshire, and Maine.

NOTE.—If a hearing is deemd necessary, the applicant requests it be held at Washington, D.C.

No. MC 60687 (Sub-No. 22), filed July 11, 1977. Applicant: ARKIN TRUCK LINE, INCORPORATED, 1600 S. Indiana Avenue, Chicago, IL. 60616. Applicant's representative: Donald S. Mullins, 4704 W. Irving Park Road, Chicago, Ill. 60641. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (A) *Paper; Pulpboard Forms and Shapes, Not Corrugated, Molded*, 40 pound density or greater per cubic foot; From Plymouth, Indiana, to points in Illinois, Kentucky, that part of Michigan on and South of Interstate Highway 96, Ohio, and Tennessee. (B) *Paper; Equipment and Supplies Used in the Operation of a Paper Manufacturing Plant and/or Used in the Manufacturing of Paper Articles;* From points in Illinois, Kentucky, that part of Michigan on and South of Interstate Highway 96, Ohio, and Tennessee, To Plymouth, Indiana. (C) *Printed Matter and Materials, Supplies and Equipment Used in the Maintenance and Operation of Printing Houses (except commodities in bulk in tank vehicles)*; (1) Between Gallatin, Tennessee, on the one hand, and, on the other, points in Illinois (except Chicago, Dwight, and Mattoon), Indiana (except Crawfordsville, Plymouth, and Warsaw), Kentucky (except Glasgow), that part of Michigan on and South of Interstate Highway 96, and Ohio (except Willard); (2) Between the facilities of R. R. Donnelley & Sons Co., at Chicago, Ill., on the one hand, and, on the other, points in Indiana (except Crawfordsville, and except on printed matter to Indiana points North of U.S. Highway 24), Kentucky (except Glasgow), Ohio (except Willard), and Tennessee (except Gallatin); (3) Between Glasgow, Ky., on the one hand, and, on the other, points in Illinois (except Chicago, Dwight, and Mattoon), Indiana (except Crawfordsville and Warsaw), that part of Michigan on and South of Interstate Highway 96, Ohio (except Willard), and Tennessee (except Gallatin); (4) Between Crawfordsville, Indiana, on the one hand, and, on the other, points in Kentucky (except Louisville), that part of Michigan on and South of Interstate Highway 96, and Tennessee (except Gallatin).

(5) Between Willard, Ohio, on the one hand, and, on the other, points in Illinois (except Chicago and points bounded by a line beginning at the Illinois-Indiana State line and extending west along U.S. Highway 6 to junction Illinois Highway 53, thence north along Illinois Highway 53 to junction unnumbered highway near Illinois Highway 22, thence north along unnumbered highway to junction Illinois 22, thence eastward along Illinois Highway 22 to Lake Michigan including points on the indicated portions of the Highways specified), Kentucky (except Glasgow), that part of Michigan on and South of Interstate Highway 96, and Tennessee (except Gallatin); (6) Between Warsaw, Indiana, on the one hand, and, on the other, points in Illinois (except Chicago, Dwight, Mattoon, and points bounded by a line beginning at the Illinois-Indiana State Line and extending west along U.S. Highway 6 to junction Illinois Highway 53, thence north along Illinois Highway 53 to junction unnumbered highway near Illinois Highway 22, thence north along unnumbered highway to junction Illinois Highway 22, thence eastward along Illinois Highway 22 to Lake Michigan including points on the indicated portions of the Highways specified), Kentucky (except Glasgow), that part of Michigan on and South of Interstate Highway 96, and Tennessee (except Gallatin). All of preceding (A), (B), and (C) limited to a transportation service to be performed under a continuing contract with R. R. Donnelley & Sons Co.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Chicago, Ill. Common control may be involved.

No. MC 61403 (Sub-No. 245), filed July 18, 1977. Applicant: THE MASON AND DIXON TANK LINES, INC., Highway 11-W, P.O. Box 969, Kingsport, Tenn. 37662. Name of Representative: Mr. W. C. Mitchell, Suite 1201, 370 Lexington, Avenue, New York, N.Y. 10017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *Chemicals and materials and supplies* used in their manufacture, in bulk, in tank vehicles, between Dover, Ohio, on the one hand, and, on the other, points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 61440 (Sub-No. 160), filed July 14, 1977. Applicant: LEE WAY MOTOR FREIGHT, INC., P.O. Box 82483, Oklahoma City, Okla. 73108. Applicant's representative: Richard H. Champlin (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General Commodities* (except those of unusual value, Class A & B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), 1. Between Memphis, Tenn., and Oklahoma City, Okla.: From Memphis over U.S. Highway 61 to junction with U.S. Highway 63, thence over U.S. Highway 63 to Jonesboro, Ark., thence over Arkansas Highway 18 to junction with Arkansas Highway 226, thence over Arkansas Highway 226 to junction with U.S. Highway 67, thence over U.S. Highway 67 to Little Rock (also from Memphis over U.S. Highway 70 to Little Rock), thence over Interstate Highway 30 to junction with Interstate Highway 40, thence over Interstate High-

way 40 to junction with Interstate Highway 540, thence over Interstate Highway 540 to Fort Smith, Ark. (also over Interstate Highway 40 to junction with Arkansas Highway 7, thence over Arkansas Highway 7 to junction with Arkansas Highway 22, thence over Arkansas Highway 22 to Fort Smith, Ark.), thence over U.S. Highway 64 to junction with Interstate Highway 40 at or near McKey, Okla., thence over Interstate Highway 40 to Oklahoma City, and return over the same route. 2. Between Little Rock, Ark., and Texarkana, Ark.: From Little Rock over U.S. Highway 65 to junction with Arkansas Highway 81, thence over Arkansas Highway 81 to junction with Arkansas Highway 4, thence over Arkansas Highway 4 to junction with Arkansas Highway 8, thence over Arkansas Highway 8 to junction with U.S. Highway 79 (also from Little Rock over U.S. Highway 167 to junction with U.S. Highway 79), thence over U.S. Highway 79 to Magnolia, Ark., and thence over Arkansas Highway 19 to junction with U.S. Highway 82 approximately 1 mile north of Magnolia (also as above to junction of U.S. Highway 79 and Arkansas Highway 98 at or near McNeil, Ark., thence over Arkansas Highway 98 to junction with U.S. Highway 82 at or near Lumber, Ark.) thence over U.S. Highway 82 to Texarkana (also from Little Rock over Interstate Highway 30 to Texarkana), and return over the same route. 3. Between Texarkana, Ark., and Rogers, Ark.: From Texarkana over U.S. Highway 71 to Rogers (also from Texarkana over U.S. Highway 71 to junction with Arkansas Highway 59, and thence over Arkansas Highway 59 to junction with Arkansas Highway 68, thence over Arkansas Highway 68 to junction with U.S. Highway 71, and thence to Rogers as above), and return over the same route.

4. Between Oklahoma City, Okla., and Texarkana, Ark.: From Oklahoma City over Interstate Highway 40 to junction with U.S. Highway 177, thence over U.S. Highway 177 to junction with Oklahoma Highway 13, thence over Oklahoma Highway 13 to junction with Oklahoma Highway 3, thence over Oklahoma Highway 3 via Antlers to junction with U.S. Highway 70, thence over U.S. Highway 70 to junction with U.S. Highway 71, and thence over U.S. Highway 71 to Texarkana, and return over the same route. Serving all intermediate points in Arkansas and all other points in Arkansas as off-route points, and serving the following intermediate and off-route points in Oklahoma: Ada, Broken Arrow, Cushing, Durant, Guthrie, Lindsay, Nowata, Pryor, Stillwater, and points within 20 miles of Oklahoma City. Restriction: Service over the above-described regular routes is restricted against the transportation of commodities (except fruits, vegetables, batteries, battery parts, fibre board boxes, glass and glassware, oil in packages, and canned goods) (1) originating at points in Arkansas and destined to points in the United States located east of a north-south line extending along the eastern borders of Montana, Wyoming, Colorado, and New Mexico or (2) originating at points located within the described Eastern Territory and destined to points in Arkansas.

NOTES.—Common control may be involved. Applicant intends to tack the authority sought herein to other authority contained in MC 61440 and subs thereto to provide a through service. Applicant further states that it will not object to the institution of a condition that the authority sought herein will not be severable by sale or otherwise from applicant's present authority described in certificate MC 61440 (Sub-No. 154), which encompasses authority over irregular routes to serve all of the authority sought herein. No new authority is sought in that this application merely seeks to convert an irregular route authority to regular route authority. If a hearing is deemed necessary, applicant requests that it be held at Oklahoma City, Okla., or Little Rock, Ark.

MC 63417 (Sub-No. 108), filed July 19, 1977. Applicant: BLUE RIDGE TRANSFER COMPANY, INC., P.O. Box 13447, Roanoke, Va. 24034. Applicant's representative: William E. Bain, P.O. Box 13447, Roanoke, Va. 24034. Authority sought to operate as a *common carrier* by motor vehicle over irregular routes transporting *Glass Containers* from Knox, Marienville and Parker, Pa to Atlanta, Gainesville and Statesboro, Georgia and Cheriton, Va. and returned shipments from above destinations to above origins.

NOTE.—If hearing is deemed necessary, applicant requests it be held in Pittsburgh, Pa. or Roanoke, Va.

No. MC 63417 (Sub-No. 109), filed July 19, 1977. Applicant: BLUE RIDGE TRANSFER CO., INC., P.O. Box 13447, Roanoke, Va. 24034. Applicant's representative: William E. Bain (same address as applicant). Authority sought to operate as a *common carrier* by motor vehicle over irregular routes transporting: *Flat glass*, from the facilities of PPG Industries, Inc., located at or near Crystal City, Mo., to Rocky Mount, Va.

NOTE.—If a hearing is deemed necessary applicant requests it be held in Roanoke, Va. or Pittsburgh, Pa.

No. MC 66886 (Sub-No. 57), filed July 19, 1977. Applicant: BELGER CARTAGE SERVICE, INC., 2100 Walnut Street, Kansas City, Missouri, 64108. Applicant's representative: Frank W. Taylor, Jr., Suite 600, 1221 Baltimore Avenue, Kansas City, Missouri 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mining equipment, accessories, attachments, and parts for mining equipment, and equipment, materials*, and supplies used in the manufacturing of mining equipment (*except commodities in bulk*), between the plantsite and storage facilities of Reading U.S., Inc. located at or near Orange Park, Florida, on the one hand, and, on the other, points in Alabama, Arizona, Arkansas, Colorado, Florida, Georgia, Idaho, Illinois, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Tennessee, Texas, Utah, Wisconsin and Wyoming.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Washington, D.C.

No. MC 69492 (Sub-No. 56), filed July 25, 1977. Applicant: HENRY EDWARDS, d.b.a. HENRY EDWARDS TRUCKING COMPANY, P.O. Box 97, Clinton, Kentucky 43201. Applicant's representative: Walter Harwood, P.O. Box 15214, Nashville, Tenn. 37215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting rubber, rubber products, and such other commodities as are manufactured and/or dealt in by rubber manufacturers, from the plantsite and warehouse facilities of The General Tire and Rubber Company, located at or near Mayfield, Ky., and the plantsite and warehouse facilities of The Goodyear Tire & Rubber Company, located at or near Union City, Tennessee, to points in Michigan on and east of U.S. Hwy. 27 from the Indiana-Michigan State Line to its junction with Michigan State Hwy. 21, thence on and south of Michigan Hwy. 21 eastwards to Port Huron, Michigan.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Memphis, Tenn. or Akron, Ohio.

No. MC 72243 (Sub-No. 55), filed July 25, 1977. Applicant: THE AETNA FREIGHT LINES, INCORPORATED, 2507 Youngstown Road, Box 250, Warren, Ohio 44482. Applicant's representative: Leroy Hallman, 4555 First National Bank Building, Dallas, Texas 75202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Gypsum wallboard* from the plantsite and storage facilities of Weyerhaeuser Company, Inc. located at Briar, Arkansas, to Alabama, Delaware, Illinois, Indiana, Iowa, Kentucky, Maryland, Michigan, Minnesota, Missouri, Ohio, Pennsylvania, Tennessee, Texas, Virginia and Wisconsin; (2) *Lumber and plywood* from the plant site and storage facilities of Weyerhaeuser Company, Inc. located at Dierks, Arkansas and Mountain Pine, Arkansas to Alabama, Delaware, Illinois, Indiana, Iowa, Kentucky, Maryland, Michigan, Minnesota, Missouri, Ohio, Pennsylvania, Tennessee, Texas, Virginia and Wisconsin: (3) *Treated lumber, posts, poles and piling* from the plant site and storage facilities of Weyerhaeuser Company, Inc. located at DeQueen, Arkansas, to Alabama, Delaware, Illinois, Indiana, Iowa, Kentucky, Maryland, Michigan, Minnesota, Missouri, Ohio, Pennsylvania, Tennessee, Texas, Virginia and Wisconsin; (4) *Lumber* from the plant site and storage facilities of Weyerhaeuser Company, Inc. located at Murfreesboro, Arkansas to Alabama, Delaware, Illinois, Indiana, Iowa, Kentucky, Maryland, Michigan, Minnesota, Missouri, Ohio, Pennsylvania, Tennessee, Texas, Virginia and Wisconsin; (5) *Lumber, plywood and cross ties*, from the plant site and storage facilities of Weyerhaeuser Company, Inc., located at

Wright City, Oklahoma to Alabama, Delaware, Illinois, Indiana, Iowa, Kentucky, Maryland, Michigan, Minnesota, Missouri, Ohio, Pennsylvania, Tennessee, Texas, Virginia and Wisconsin; (6) *Particle board and boards or sheets* made from wood products from the plant site and storage facilities of Weyerhaeuser Company, Inc., located at Craig, Oklahoma, to Alabama, Delaware, Illinois, Indiana, Iowa, Kentucky, Maryland, Michigan, Minnesota, Missouri, Ohio, Pennsylvania, Tennessee, Texas, Virginia and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Dallas, Tex., or Little Rock, Ark.

No. MC 80653 (Sub-No. 5), filed July 19, 1977. Applicant: DAVID GRAHAM COMPANY, a corporation, P.O. Box 115, Croydon, Pa. 19020. Applicant's representative: Paul F. Sullivan, 711 Washington Bldg., Washington, D.C. 20005. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: commodities the transportation of which because of size or weight requires the use of special equipment between the piers or wharves in Philadelphia, Pa., on the one hand, and, on the other, points in Pennsylvania, restricted to traffic moving in foreign commerce.

NOTE.—Applicant states it presently holds authority to serve the Philadelphia piers on a radial basis to and from points in various States. If a hearing is deemed necessary, applicant requests that it be held in Philadelphia, Pa. Applicant and Norbet Trucking Corp. are commonly controlled and Norbet presently holds contract carrier authority in No. MC 136530 and subs thereunder, therefore dual operations may be involved.

No. MC 82492 (Sub-No. 160), filed July 19, 1977. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., 2109 Olmstead Road, P.O. Box 2853, Kalamazoo, Mich. 49003. Applicant's representative: William C. Harris (same address). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared foodstuffs* (except commodities in bulk), from the plant site and warehouse facilities of the Pillsbury Company at New Albany, Ind., to points in Michigan and Ohio. Restricted to traffic originating at the named origin and destined to the named destination states.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 89913 (Sub-No. 66), filed July 14, 1977. Applicant: FRISCO TRANSPORTATION COMPANY, (a corporation), 906 Olive Street, St. Louis, Mo. 63101. Applicant's representative: Donald E. Ransom (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: General commodities (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) serving the plant site and warehouse facilities of Nubbin Ridge Charcoal, Inc., located sixteen (16) miles south of West Plains, Mo., on Missouri Highway 17, as an off-route point in connection with applicant's presently authorized regular route operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Springfield, Mo. or Washington, D.C.

No. MC 92068 (Sub-No. 19), filed July 11, 1977. Applicant: MUTUAL TRANSPORTATION, INC., President and Fleet Streets, Baltimore, Md. 21202. Applicant's representative: Walter T. Evans, 7401 Wisconsin Avenue, Washington, D.C. 20014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such commodities as are dealt in or used by retail and discount department stores* from the facilities of Mutual Transportation, Inc., at Baltimore, Maryland and Washington, D.C. to: (a) the facilities of the K-Mart Stores of S. S. Kresge Company at Frederick, Hagerstown, and Lexington Park, Maryland; and Fredericksburg and Manassas, Virginia, (b) the facilities of the S. S. Kresge Store of the S. S. Kresge Company at Hagerstown, Maryland; (c) the facilities of the Zayre Corporation Stores at Frederick and Hagerstown, Maryland, (d) the facilities of the Woolworth Stores of F. W. Woolworth Company at Hagerstown, Maryland; and Manassas, Virginia, and (e) the facilities of the WOOLCO Stores of F. W. Woolworth Company at Frederick, Maryland; and Fredericksburg, Virginia. (2) *Returned shipments of the commodities in (1) above*, from: (a) the facilities of the K-Mart Stores of S. S. Kresge Company at Frederick, Hagerstown, and Lexington Park, Maryland; and Fredericksburg and Manassas, Virginia, (b) the facilities of the S. S. Kresge Store of S. S. Kresge Company at Hagerstown, Maryland, (c) the facilities of the Zayre Corporation Stores at Frederick, and Hagerstown, Maryland, (d) the facilities of the Woolworth Stores of F. W. Woolworth Company at Hagerstown, Maryland; and Manassas, Virginia, and (e) the facilities of the WOOLCO Stores of F. W. Woolworth Company at Frederick, Maryland; and Fredericksburg, Virginia to the facilities of Mutual Transportation, Inc., at Baltimore, Maryland; and Washington, D.C.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Washington, D.C.

No. MC 94201 (Sub-No. 150) filed July 25, 1977. Applicant: BOWMAN TRANSPORTATION, INC., P.O. Box 17744, Atlanta, Ga. 30316. Applicant's representative: Maurice F. Bishop, 601-09 Frank Nelson Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between the plantsite of Goodyear Tire & Rubber Company at or near Lawton, Okla., on the one hand, and, on the other, points in Alabama, Connecticut, Florida, Georgia, Illinois, Indiana, Massachusetts, New Jersey, North Carolina, Ohio, Rhode Island, South Carolina, Tennessee, and the following points and points within their respective commercial zones: Washington, D.C.; Wilmington, Del.; Louisville, Ky.; Baltimore, Md.; New York, N.Y.; Philadelphia, Pa.; Richmond and Norfolk, Va.; Camden, Crossett, El Dorado, Jonesboro, Little Rock, Texarkana and West Memphis, Ark.; Kansas City and Topeka, Kans.; Baton Rouge, Golden Meadow, Grand Isle, Lake Charles, Lockport, Monroe, New Orleans, Ruston, and Shreveport, La.; Columbus, Greenwood, Hattiesburg, Jackson, Laurel, Meridian, Moss Point, Pascagoula, Vicksburg and Greenville, Miss.; Carthage, Kansas City and Springfield, Mo.; Baytown, Beaumont, Dallas, Forth Worth, Garland, Gladewater, Greenville, Houston, Longview, Orange, Plano, Port Arthur, Texas City and Texarkana, Tex.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 94350 (Sub-No. 397), filed July 11, 1977. Applicant: TRANSIT HOMES, INC., P.O. Box 1628, Greenville, S.C. 29602. Applicant's representative: Mitchell King, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers* designed to be drawn by passenger automobiles, in initial movements (except travel trailers and camping trailers); and (2) *buildings*, in sections, mounted on wheeled undercarriages, from origins which are points of manufacture, from Shenandoah County, Va., to points in Delaware, Kentucky, Maryland, New Jersey, North Carolina, Pennsylvania, Tennessee, and West Virginia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at Washington, D.C.

No. MC 94350 (Sub-No. 990), filed July 25, 1977. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, 1144 W. Griffin Road, Lakeland, Fla. 33802. Applicant's representative: Benjy W. Fincher (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: (1) Glass containers and container accessories, between the plantsite and warehouse facilities of the Kerr Glass Manufacturing Corporation located in Wilson County, N.C., on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Oklahoma, Ohio, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia and Wisconsin and (2) Materials, equipment and supplies used in the manufacture and distribution of glass containers and container accessories,

From points in the states named in (1) above to the plantsite and warehouse facilities of Kerr Glass Manufacturing Corporation located in Wilson County, North Carolina.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Oklahoma City, Okla.; Washington, D.C., or Tampa, Fla.

No. MC 98154 (Sub-No. 18), filed July 15, 1977. Applicant: BRUCE CARTAGE, INCORPORATED, 3460 East Washington Road, Saginaw, Michigan 48601. Applicant's representative: Karl L. Gotting, 1200 Bank of Lansing Building, Lansing, Michigan 48933. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *general commodities, except household goods as defined by the Commission and motor vehicles when transported in special equipment,* between Midland, Michigan and Detroit, Michigan restricted to traffic having a prior or subsequent movement by rail or water.

NOTE.—Applicant is under common control with C. D. B., Incorporated, a contract carrier applying for authority in MC 143002 and subnumbers thereto. Therefore, dual operations may be involved. Common control may be involved. If a hearing is deemed necessary, Applicant requests that it be held at Lansing, Michigan or Saginaw, Michigan.

No. MC 98438 (Sub-No. 4), filed July 15, 1977. Applicant: TOMPKINSVILLE TRANSFER CO., INC., 209 West Second St., Tompkinsville, Ky. 42167. Applicant's representative: Robert M. Pearce, P.O. Box 1899, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment); (1) Between Glasgow, Ky. and the junction of Kentucky Highway 90 with Kentucky Highway 163 (near Beaumont, Ky.), serving all intermediate points, restricted against service between Louisville, Ky. and Glasgow, Ky. and points in their respective commercial zones. From Glasgow, Ky. over Kentucky Highway 90 to its junction with Kentucky Highway 163 and return over the same route. (2) Between the junction of Kentucky Highway 163 with Kentucky Highway 90 (near Beaumont, Ky.) and Tompkinsville, Ky., serving all intermediate points, restricted against service between Louisville, Ky. and Glasgow, Ky. and points in their respective commercial zones. From the junction of Kentucky Highway 163 with Kentucky Highway 90 over Kentucky Highway 163 to Tompkinsville, Ky. and return over the same route. (3) Between Tompkinsville, Ky. and the junction of Kentucky Highway 100 with Interstate Highway 65 serving all intermediate points on Kentucky Highway 100 east of Hickory Flat, Ky. Restricted against serving Franklin, Ky. and points in its commercial zone. From Tompkinsville, Ky. over Kentucky Highway 100 to its junction with Interstate Highway 65 and return over the same route. (4) Between junction of Kentucky Highway 100 with Interstate Highway 65 and Nashville, Tenn., serving no intermediate points, and serving the junction of Interstate Highway 65 with Kentucky Highway 100 for purposes of joinder only, and restricted against service between Nashville, Tenn. and Glasgow, Ky. and points in their respective commercial zones. From junction of Kentucky Highway 100 with Interstate Highway 65 over Interstate Highway 65 to Nashville, Tenn. and return over the same route.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Nashville, Tenn.

MC 103051 (Sub No. 404), filed July 19, 1977. Applicant: FLEET TRANSPORT COMPANY, INC., 934 44th Avenue, North, Nashville, TN 37209. Applicant's representative: Russell E. Stone, P.O. Box 90408, Nashville, TN 37209. Authority sought to operate as a *common carrier,* over irregular routes, transporting: *Detergent,* in bulk, in tank vehicles, from Charlotte, North Carolina to points in Georgia, Florida, Louisiana, Mississippi, South Carolina and Virginia.

NOTE.—If a hearing is deemed necessary applicant requests that it be held at Nashville, Tennessee or Atlanta, Georgia.

No. MC 103993 (Sub-No. 899), filed July 19, 1977. Applicant: MORGAN DRIVE-AWAY, INC., 28651 U.S. 20 West, Elkhart, Indiana 46514. Applicant's representative: Paul D. Borghesani, 28651 U.S. 20 West, Elkhart, Indiana 46514. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Vacuums mounted on undercarriages,* from Kent County, Mich., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, Applicant requests it be held at Detroit, Michigan or Chicago, Illinois.

MC 104523 (Sub-No. 66), filed July 19, 1977. Applicant: HUSTON TRUCK LINE, INC., P.O. Box 17, Friend, Nebraska 68359. Applicant's representative: Michael J. Ogborn, 300 NSEA Building, P.O. Box 82028, Lincoln, Nebraska 68501. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Bentonite clay, lignite, and bentonite products,* From the plantsite of American Colloid Company, located at or near Malta, Montana. To points in Colorado, Illinois, Iowa, Kansas, Missouri, Nebraska, Oklahoma, South Dakota, Texas and Wyoming.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Omaha, Nebr., or Denver, Colo.

No. MC 105006 (Sub-No. 5), filed July 18, 1977. Applicant: L. L. SMITH TRUCKING, a corporation, P.O. Box 566, Powell, Wyoming 82435. Applicant's representative: John P. Thompson, 450 Capitol Life Center, Denver, Colorado 80203. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes transporting: (1) *Chemicals in containers, drilling muds and drilling additives,* (a) between points in Nevada, New Mexico, and Utah, on the one hand, and, on the other, points in Arizona, Colorado, Idaho, Montana, North Dakota, South Dakota and Wyoming, (b) between points in Wyoming, on the one hand, and, on the other, points in Arizona and Idaho; and (2) *Bentonite,* from points in Wyoming, to points in Idaho, Nevada, New Mexico and Utah.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Denver, Colorado.

No. MC 106074 (Sub-No. 33), filed July 18, 1977. Applicant: B AND P MOTOR LINES, INC., P.O. Box 727, Forest City, N.C. 28043. Applicant's representative: Archie B. Culbreth, Suite 246, 1252 West Peachtree Street, N.W, Atlanta, Ga. 30309. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Salt and salt products* (except in bulk), from the plantsites and warehouse facilities of United Salt Corp. in Fort Bend and Harris Counties, Tex., to points in North Carolina, South Carolina, points in Georgia on and north of Interstate 20, points in Tennessee on and east of U.S. Hwy. 127, and Bristol, Va.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga. Applicant holds contract carrier authority in No. MC 140842 (Sub-No. 1), therefore dual operations may be involved.

No. MC 106074 (Sub-No. 34), filed July 19, 1977. Applicant: B AND P MOTOR LINES, INC., 710 Oakland Road, P.O. Box 727, Forest City, N.C. 28043. Applicant's representative: George W. Clapp, 109 Hartsville Street, P.O. Box 836, Taylors, S.C. 29687. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Cans and can ends,* iron or steel, from the plantsite and warehouse facilities of RJR Foods, Inc., at Plymouth, Ind., to Atlanta, Ga.; Ortonville, Minn.; Lockport, N.Y.; Haskell, Okla.; South Brunswick, N.J.; and Highlands, Tex.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Winston-Salem, or Charlotte, N.C. Applicant holds contract carrier authority in MC 140842 Sub 1, therefore dual operations may be involved. Common control may also be involved.

No. MC 106557 (Sub-No. 7), filed July 25, 1977. Applicant: PAMCO, INC., P.O. Box 926, Columbus, Ohio 43216. Applicant's representative: Boyd B. Ferris, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: Rendering products, by-products, and hides between Columbus, Ohio, on the one hand, and, on the other, points in Wisconsin, New Jersey, New Hampshire, Massachusetts, New York, and Maine, under a continuing contract or contracts with Inland Products, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Columbus, Ohio.

No. MC 107107 (Sub-No. 456), filed July 19, 1977. Applicant: ALTERMAN TRANSPORT LINES, INC., 12805 N.W. 42nd Avenue, Opa Locka, Fla. 33054. Applicant's representative: Ford W. Sewell (same address as applicant). Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Neoprene insulated wire*, in vehicles equipped with mechanical refrigeration, from points in Texas, to points in Alabama, Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Dallas, Tex.

No. MC 107403, (Sub-No. 1025), filed July 20, 1977, Applicant: MATLACK, INC., Ten West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: Martin C. Hynes, Jr., (same address as applicant). Authority sought to operate as a *common carrier*, over irregular routes, transporting Muriatic Acid, in bulk, in tank vehicles, (1) from Deer Park, Tex., to points in Arkansas, Louisiana, Mississippi and Oklahoma; and (2) from Norco, La., to points in Arkansas and Oklahoma.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held in Washington, D.C.

No. MC 107403, (Sub-No. 1026), filed July 20, 1977. Applicant: MATLACK, INC., Ten West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: Martin C. Hynes, Jr., (same address as applicant). Authority sought to operate as a *common carrier*, over irregular routes, transporting Naval Stores and Products and Derivatives thereof (including tall oil and tall oil products), in bulk, in tank vehicles, from De Ridder, La. to points in California.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held in Washington, D.C.

MC 107496 (Sub-No. 1093), filed July 25, 1977. Applicant: RUAN TRANSPORT CORP., 3200 Ruan Center, 666 Grand Avenue, Des Moines, Ia. 50309. Applicant's representative: E. Check, P.O. Box 855, Des Moines, Ia. 50304. Authority sought to operate as a *common carrier*, by motor vehicles, over irregular routes, transporting: (1) *Hydrogen peroxide* from Memphis, Tenn. to points in Wyoming; and (2) *Water-Reducing Admixtures*, in bulk, in tank vehicles, from North Judson, Ind. to points in Indiana, Illinois, Michigan, Wisconsin, Iowa, Minnesota, Ohio, Kentucky, West Virginia, and Missouri.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Chicago, Ill.

Docket No. MC 107515 (Sub-No. 1092), filed July 14, 1977. Applicant: REFRIGERATED TRANSPORT CO., INC., 3901 Jonesboro Road, Post Office Box 308, Forest Park, Ga. 30050. Applicant's representative: Richard M. Tettelbaum, Suite 375, 3379 Peachtree Road NE., Atlanta, Ga. 30329. Authority sought to operate as a *common carrier*, over irregular routes, transporting: *Floor coverings, ceramic tile and such commodities* as are used or useful in the installation of floor coverings and ceramic tile (except commodities in bulk), from Piqua and Canton, Ohio, to Springfield, Mo.

NOTE.—Applicant controls Refrigerated Transport, Inc., which has contract carrier authority in MC 126436 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Atlanta, Ga.

No. MC 107515 (Sub-No. 1093), filed ATED TRANSPORT CO., INC., Post Office Box 308, Forest Park, Ga. 30050. Applicant's representative: Alan E. Serby, 3379 Peachtree Road NE., Suite 375, Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, over irregular routes, by motor vehicle, in the transportation of canned and bottled foodstuffs, from the plantsite and warehouse facilities of Bruce Foods Corp. at Cade and Lozes, La., to points in Alabama, Florida, Georgia, Mississippi, Missouri, Oklahoma, Kansas, Nebraska, Iowa, Illinois, Minnesota, and Wisconsin. Restriction: Restricted to traffic originating at the named origins and destined to the named destination States.

NOTE.—Applicant holds contract carrier authority in No. MC 126436 (Sub-No. 2), and other subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 107515 (Sub-No. 1096), filed July 21, 1977. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 308, Forest Park, Georgia 30050. Applicant's representative: Alan E. Serby, 3379 Peachtree Road NE., Suite 375, Atlanta, Georgia 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: CARPETING, FLOOR COVERINGS and TUFTED TEXTILE PRODUCTS, (1) from points in Georgia north of U.S. Highway 78 and west of U.S. Highway 441 to points in Kansas, Missouri, Colorado, Nebraska, Arizona and California, and (2) from Dalton, Ga. to that portion of Iowa on and west of U.S. Highway 59. Restricted to traffic originating at named origins.

NOTE.—Applicant holds motor contract carrier authority in No. MC 126436 (Sub-No. 2) and other subs, therefore, dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 107544 (Sub-No. 139), filed July 19, 1977. Applicant: LEMMON TRANSPORT CO., INC., P.O. Box 580, Marion, Va. 24354. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting Sodium Sulfate (Salt Cake), in bulk, in tank vehicles from Nitro, West Virginia, to points in Kentucky, Maryland, Ohio and Pennsylvania.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Washington, D.C., or Roanoke, Va.

MC 109124 (Sub-No. 32), filed July 18, 1977. Applicant: SENTLE TRUCKING CORP., P.O. Box 7850, Toledo, Ohio 43619. Applicant's representative: James M. Burtch, 100 E. Broad Street, Columbus, Ohio 43215. Authority to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Adhesives, building materials, composition board, gypsum and gypsum products gypsum board paper, mineral fiber products*, and *paint and paint products*, and *materials, equipment, and supplies* used in the manufacture, packaging, installation or distribution of the above base commodities (except commodities in bulk), between the facilities of United States Gypsum Co. at or near Gypsum (Portage Township, Ottawa County) Ohio, on the one hand, and, on the other, points in Illinois, Indiana, Kentucky, Michigan, Maryland, New York, Ohio, Pennsylvania, West Virginia and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicants requests it be held at Chicago, Ill., or Columbus, Ohio.

No. MC 109533 (Sub-No. 88) (Amendment), filed April 11, 1977, published in the FEDERAL REGISTER issue of May 5, 1977, and republished as amended this issue. Applicant: OVERNITE TRANSPORTATION CO., a corporation, P.O. Box 1216, Richmond, Va. 23209. Applicant's representative: E. T. Liipfert, Suite 1100, 1660 L St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment): (1) Between Norfolk, Va., and Elkton, Md.: From Norfolk over U.S. Highway 13 to junction U.S. Highway 40, thence over U.S. Highway 40 to Elkton and return over same route, serving all intermediate points. (2) Between Salisbury, Md., and Cambridge, Md.: From Salisbury over U.S. Highway 50 to Cambridge and return over same route, serving all intermediate points. (3) Between Dover, Del., and Goldsboro, Md.: From Dover over Delaware Highway 8 to Delaware-Maryland State line, thence over Maryland Highway 311 to Goldsboro and return over the same route, serving all intermediate points. (4) Between Bridgeville, Del., and Federalsburg, Md.: From Bridgeville over unnumbered highway to junction of Delaware Highway 18, thence over Delaware 18 to Delaware-Maryland State line, thence over Maryland Highway 318 to Federalsburg, and return over same route, serving all intermediate

points. In connection with Routes 1, 2, 3, and 4 above, service is sought at points in New Castle, Kent, and Sussex Counties, Del.; Dorchester, Wicomico, Worcester and Somerset Counties, Md.; and Accomack and Northampton Counties, Va., as off-route points.

NOTE.—The purpose of this republication is to amend the proposed off-route authority by requesting service "at" named points in lieu of service "to" named points, in order to clarify that applicant wishes two-way service in the proposed off-route territory. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 109772 (Sub-No. 28), filed July 25, 1977. Applicant: ROBERTSON TRUCK-A-WAYS, INC., 7101 East Slauson Avenue, Los Angeles, Calif. 90040. Applicant's representative: Arthur J. Woodard, 7101 East Slauson Avenue, Los Angeles, Calif. 90040. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Motor vehicles* (except those which have been repossessed, embezzled, stolen, or wrecked and except trailers and self-propelled motor vehicles weighing less than 1,000 pounds), in secondary movements, in truckaway service, Between points in California, Colorado, Idaho, Montana, Nevada, Utah, and Wyoming, on the one hand, and, on the other, points in Texas.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Los Angeles, Calif.

No. MC 110988 (Sub-No. 345), filed July 19, 1977. Applicant: SCHNEIDER TANK LINES, INC., 4321 West College Avenue, Appleton, Wis. 54911. Applicant's representative: Paul C. Schneider (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids* and *chemicals*, in bulk, in tank vehicles from La Crosse, Wis., to points in Illinois, Indiana, Iowa, the Upper Peninsula of Michigan, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 111729 (Sub-No. 712), filed July 18, 1977. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, N.Y. 11040. Applicant's representative: Elizabeth L. Henoch (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting; *Laboratory specimens, and business papers, records and audit and accounting media of all kinds.* Between Memphis, Tenn. and Ripley, Miss.

NOTE.—Applicant holds motor contract carrier authority in MC 112750 and Sub-Numbers thereunder, and therefore dual operations may be involved. Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Washington, D.C.

No. MC 112822 (Sub-No. 422), filed July 19, 1977. Applicant: BRAY LINES INC., 1401 North Little Street, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Charles D. Midkiff (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk), from Duluth, Minn., and Superior, Wis., to points in Colorado. Restricted to the transportation of traffic originating at the plantsite and warehouse facilities of Jeno's, at or near Duluth, Minn., and Superior, Wis.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Minneapolis or St. Paul, Minn., or Chicago, Ill.

No. MC 112822 (Sub-No. 423), filed July 18, 1977. Applicant: BRAY LINES INC., 1401 North Little Street, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Charles D. Midkiff (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (not frozen and except in bulk): (1) from the facilities of the Clorox Co., at or near Atlanta, Ga., to points in Arkansas, Kansas, Louisiana, Missouri, and Texas; (2) from the facilities of the Clorox Co., at or near Oakland, Calif., to points in Montana, Oregon, Utah, Washington, and Wyoming; and (3) from the facilities of the Clorox Co., at or near Houston, Tex., to points in Arkansas, Louisiana, Mississipi, New Mexico, and Oklahoma.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at San Francisco or Los Angeles, Calif.

MC 113459 (Sub-No. 111), filed July 18, 1977. Applicant: H. J. JEFFRIES TRUCK LINE, INC., P.O. Box 94850, Oklahoma City, Okla. 73109. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Bldg., Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Metal castings, pulleys, and sheaves, from the plantsite of the Electron Corp., located at Blackwell, Okla., to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, Pennsylvania, and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Dallas, Tex., or Oklahoma City, Okla.

MC 113459 (Sub-No. 112), filed July 19, 1977. Applicant: H. J. JEFFRIES TRUCK LINE, INC., P.O. Box 94850, Oklahoma City, Okla. 73109. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Bldg., Dallas, Tex. 75224. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Electric cable*, on reels from the plantsite of The Superior Cable Co., located at Brownwood, Tex., to points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Montana, Nebraska, New Mexico, North Dakota, Ohio, Oklahoma, Utah, Wisconsin, and Wyoming.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Dallas, Tex., or Oklahoma City, Okla.

No. MC 113528 (Sub-No. 34), filed July 19, 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: *Particleboard*, including paneling, from the facilities of Vanply, Inc., at or near Many, La., to points in Alabama, Georgia, North Carolina, South Carolina.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at either Mobile, Ala., or Shreveport, La.

No. MC 113678 (Sub-No. 695), filed July 15, 1977. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City, Colo. 80022. Applicant's representative: Roger M. Shaner (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpet and floor covering*, and materials and supplies useful or used in the installation of carpet and floor covering (except commodities in bulk in tank vehicles); From Greensboro, North Carolina to points in Florida, Georgia, Illinois, Louisiana, Missouri, Tennessee, and Texas.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Washington, D.C. or Chicago, Ill.

No. MC 113678 (Sub-No. 696), filed July 15, 1977. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City, Colo. 80022. Applicant's representative: Roger M. Shaner (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products*, and articles distributed by meat packinghouses as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 200 and 766 (except commodities in bulk); From Salt Lake City, Utah to points in California and Colorado.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Salt Lake City, Utah, or Denver, Colo.

No. MC 113678 (Sub-No. 697), filed July 21, 1977. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City, Colo. 80022. Applicant's representative: Roger M. Shaner (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpet and floor covering*, and materials and supplies useful or used in the installation of carpet and floor covering (except commodities in bulk in tank vehicles), (1) From Eddystone, Pennsylvania, to points in Alabama, Florida, Georgia, Illinois, Kentucky, Louisiana, Missouri,

North Carolina, South Carolina, Tennessee, and Wisconsin; and (2) From Trenton, New Jersey, to points in Florida, Georgia, Illinois, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Missouri, Nebraska, North Carolina, South Carolina, Tennessee, and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at: Washington, D.C., or Chicago, Ill.

No. MC 114045 (Sub-No. 471), filed July 21, 1977. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 61228, D/FW Airport, Tex. 75261. Applicant's representative: J. B. Stuart (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foodstuffs, Frozen Bakery Goods, Frozen Pizzas, Frozen Pies, meat, fish or poultry*, from Salisbury, Maryland and Downingtown, Pennsylvania, to points in Ohio and Michigan.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Philadelphia, Pa. or Washington, D.C.

No. MC 114045 (Sub-No. 472), filed July 25, 1977. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 61228, D/FW Airport, Tex. 75261. Applicant's representative: J. B. Stuart (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roasted and Instant Coffee, and dry beverage preparations*, from Edgewater, New Jersey to Arizona, Colorado, New Mexico, Utah, Oregon, Washington and California.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Philadelphia, Pa. or Washington, D.C.

No. MC 114045 (Sub-No. 473), filed July 25, 1977. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 61228, D/FW Airport, Tex. 75261. Applicant's representative: J. B. Stuart (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals, Synthetic Rubber Liquid, Plasticizers, Liquid Resins*, from Moss Point, Miss., to points in Pennsylvania, New Jersey, Massachusetts, New York.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Philadelphia, Pa. or Washington, D.C.

No. MC 114087 (Sub-No. 14), filed July 15, 1977. Applicant: DECATUR TRANSIT, INC., P.O. Box 1784, Decatur, Ala. 35602. Applicant's representative: Daniel H. Markstein, Jr., 512 Massey Building, Birmingham, Ala. 35203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting *coke* in bulk from the plant site of Monsanto Company in Decatur, Ala. to the plant site of Carborundum Corporation in Hickman, Ky., under a continuing contract or contracts with Monsanto Co.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Decatur, Ala. or Washington, D.C.

No. MC 114457 (Sub No. 317), filed July 20, 1977. Applicant: DART TRANSIT COMPANY, a corporation, 2102 University Avenue, St. Paul, Minn. 55114. Applicant's representative: James C. Hardman, 33 N. LaSalle Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products, plastic products and products manufactured and distributed by manufacturers and converters of paper and paper products*, from Louisville, Kentucky, to points in Illinois, Indiana, Wisconsin and Missouri.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at St. Paul, Minn. or Chicago, Ill.

No. MC 114457 (Sub No. 318), filed July 25, 1977. Applicant: DART TRANSIT COMPANY, a corporation, 2102 University Avenue, St. Paul, Minn. 55114. Applicant's representative: James C. Hardman, 33 North LaSalle Street, Suite 2103, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printed matter* from Minneapolis, Minnesota to Versailles, Ky.

NOTE.—If hearing is deemed necessary, applicant requests that it be held at Chicago, Ill. or St. Paul, Minn.

No. MC 114457 (Sub No. 320), filed July 26, 1977. Applicant: DART TRANSIT COMPANY, a corporation, 2102 University Avenue, St. Paul, Minn. 55114. Applicant's representative: James H. Wills (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers* from Warner Robins, Georgia to Williamsburg, Va.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Atlanta, Ga., or Washington, D.C.

No. MC 114457 (Sub No. 322), filed July 26, 1977. Applicant: DART TRANSIT COMPANY, a corporation, 2102 University Avenue, St. Paul, Minn. 55114. Applicant's representative: James C. Hardman, 33 North LaSalle Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel doors, steel door frames, and brass, bronze, copper and steel hardware*, from the plantsite of The Ceco Corporation at or near Mila, TN, to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either St. Paul, Minn. or Chicago, Ill.

MC 115162 (Sub-No. 376), filed July 19, 1977. Applicant: POOLE TRUCK LINE, INC., Post Office Drawer 500, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fire brick, fire clay, furnace or kiln lining, refractory products and commodities*, incidental to the installation thereof (except commodities in bulk, in tank vehicles); and *materials and supplies*, used in the manufacture and production of fire brick, fire clay, furnace or kiln lining, refractory products and commodities incidental to the installation thereof (except commodities in bulk, in tank vehicles), (1) between points in Audrain and Callaway Counties, Mo., on the one hand, and, on the other, points in Arkansas, Tennessee, North Carolina, South Carolina, Kentucky, Maryland, Virginia, Kansas, and Oklahoma; and (2) between Thermo, Tex., on the one hand, and, on the other, points in Alabama, Arkansas, Georgia, Florida, Louisiana, Missouri, Kentucky, Mississippi, Oklahoma, Tennessee, North Carolina, South Carolina, Kansas, and Virginia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either St. Louis, Mo., or Washington, D.C.

No. MC 115322 (Sub-No. 136), filed July 19, 1977. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, Fla. 32809. Applicant's representative: L. W. Fincher, P.O. Box 426, Tampa, Fla. 33601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the plantsite and storage facilities of Abel's Bagels, at Buffalo, N.Y., to points in Delaware, Maryland, West Virginia, and District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C. or Buffalo, N.Y. Common control may be involved.

MC 115331 (Sub-No. 426), filed July 19, 1977. Applicant: TRUCK TRANSPORT INCORPORATED, 29 Clayton Hills Lane, St. Louis, Mo. 63131. Applicant's representative: J. R. Ferris, 230 St. Clair Avenue, East St. Louis, Ill. 62201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Non-alcoholic beverages, in containers, and materials and supplies* used or useful in the production, distribution and sales of non-alcoholic beverages between Warrenton, Mo., on the one hand, and, on the other, points in Alabama, Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Nebraska, Ohio, Oklahoma, Pennsylvania, Tennessee, and Texas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at St. Louis or Kansas City, Mo.

No. MC 115496 (Sub-No. 56), filed July 19, 1977. Applicant: LUMBER TRANSPORT, INC., P.O. Box 111, Cochran, Ga. 31014. Applicant's representative: Virgil H. Smith, Suite 12, 1587 Phoenix Boulevard, Atlanta, Ga. 30349. Authority to operate as a *common carrier*, by motor vehicle, over irregular routes in the transporation of, *Lumber*, (1) From the facilities of Gilman Paper Company

located at Dudley (Laurens County), Georgia, and at or near Blackshear (Pierce County), Georgia, to points in Texas, Louisiana, Arkansas, Missouri, Illinois, Wisconsin, Michigan (lower peninsular), Indiana, Ohio, West Virginia, Maryland, Delaware, District of Columbia, New Jersey, Pennsylvania, New York, and; (2) From the plantsite of Building Products Division, Gilman Paper Company located approximately eight (8) miles north of Middleburg, (Clay County) Florida, to points in Georgia, Alabama, Mississippi, Louisiana, Texas, Arkansas, Missouri, Illinois, Wisconsin, Michigan (lower peninsula), Indiana, Ohio, Kentucky, Tennessee, North Carolina, South Carolina, Virginia, West Virginia, District of Columbia, Delaware, New Jersey, Pennsylvania and New York.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Atlanta, Ga.

No. MC 115496 (Sub-No. 57) filed July 18, 1977. Applicant: LUMBER TRANSPORT, INC., P.O. Box 111, Cochran, Ga. 31014. Applicant's representative: Virgil H. Smith, Suite 12, 1587 Phoenix Boulevard, Atlanta, Georgia 30349. Authority to operate as a *common carrier*, by motor vehicle, over irregular routes in the transportation of, *Plywood and composition board* from the plantsite and warehouse facilities of Day Companies, Inc. in Randolph County, Ga., to points in the United States in and east of North Dakota, South Dakota, Nebraska, Colorado and New Mexico.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 115841 (Sub-No. 544), filed July 25, 1977. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 9041 Executive Park Drive, Suite 110, Bldg., 100, Knoxville, Tenn. 37919. Applicant's representative: Chester G. Groebel (same address as applicant). Authority sought to operate as a *common carrier*, over irregular routes transporting: (1) *Foodstuffs*, non-frozen, from points in the Lower Peninsula of Michigan to points in North Carolina, South Carolina, and points in Georgia North of U.S. Highway 80; and (2) *Plastic and rubber articles*, from Sturgis, Mich., when moving in mixed loads with foodstuffs to destinations in (1) above.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Lansing, Grand Rapids or Detroit, Mich.

No. MC 115841 (Sub-No. 545), filed July 25, 1977. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 9041 Executive Park Drive, Suite 110, Bldg., 100, Knoxville, Tenn. 37919. Applicant's representative: Clayton R. Byrd (same address as applicant). Authority sought to operate as a *common carrier*, over irregular routes, transporting: *Hickory chips, liquid smoke (flavoring compound) and foodstuffs*, from the plantsite and storage facilities utilized by Hickory Specialties, Inc., in Cumberland County, Tennesee to points in the United States, (except Hawaii and Alaska). Restricted to shipments originating at the above mentioned origin points.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Nashville, Tenn, or Atlanta, Ga.

No. MC 115931 (Sub-No. 44), filed July 20, 1977. Applicant: BEE LINE TRANSPORTATION, INC., P.O. Box 3987, Missoula, Mont. 59801. Applicant's representative: Gene P. Johnson, P.O. Box 2471, 425 Gate City Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Lumber and lumber products*, From Riverton, Wyoming to points in Illinois, Iowa and Wisc.

NOTE.—If a hearing is deemed necessary, applicant requests that it be at Portland, Oreg.

No. MC 116314 (Sub-No. 33), filed July 19, 1977. Applicant: MAX BINSWANGER TRUCKING (a corporation), 13846 Firestone Boulevard, Santa Fe Springs, Calif. 90670. Applicant's representative: Carl H. Fritze, 1545 Wilshire Boulevard, Los Angeles, Calif. 90017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting, *Fly ash* and *bottom ash*, in bulk, from points in Clark County, Nevada to points in Arizona, New Mexico and Utah.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, California or Las Vegas, Nev.

No. MC 116325 (Sub-No. 75), filed July 15, 1977. Applicant: JENNINGS BOND, d.b.a BOND ENTERPRISES, P.O. Box 8, Lutesville, Mo. 63762. Applicant's representative: Jennings Bond, P.O. Box 8, Lutesville, Mo. 63762. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay and clay products* (except in bulk), from Scott and Stoddard Counties, Missouri, to points in Minnesota, Iowa, Arkansas, Louisiana, Wisconsin, Illinois, Pennsylvania, New York, Maryland, Mississippi, Michigan, Indiana, Kentucky, Tennessee, Alabama, Ohio, West Virginia, Virginia, North Carolina, South Carolina, Florida and Georgia.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at St. Louis, Mo. or Washington, D.C.

No. MC 117639 (Sub-No. 10), filed July 25, 1977. Applicant: PICK'S PACK HAULER, INC., d.b.a. PICK'S PACK HAULER, 1214 East South Street, Hastings, Nebr. 68901. Applicant's representative: Frederick J. Coffman, P.O. Box 81849, Lincoln, Nebr. 68509. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brick and clay products*, from Weir and Kanopolis, Kans., to points in Nebraska, under contract with Lumbermen's Brick & Supply Co.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Omaha, Nebr., or Lincoln, Nebr.

No. MC 117686 (Sub-No. 178), filed July 20, 1977. Applicant: HIRSCHBACH MOTOR LINES, INC., 5000 South Lewis Blvd., P.O. Box 417, Sioux City, Iowa 51102. Applicant's representative: Mr. George L. Hirschbach (same as above). Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: (1) *Clothing, and wearing apparel, and all component parts used in the manufacture thereof* (except in bulk), from Los Angeles, Calif.; and Seattle, Wash., to Minneapolis, Minn.; and (2) *Clothing and wearing apparel, and al component parts used in the manufacture thereof, and materials, supplies and equipment*, used in the manufacture and sale of clothing and wearing apparel (except in bulk), (a) from Hamilton and Guin, Ala., to Minneapolis, Minn.; Memphis, Tenn.; and Winfield, La.; (b) from Crossville, Tenn. to Minneapolis, Minn.; (c) from Memphis, Tenn. to points in California; (d) from Gastonia, Belmont, and Albermarle, N.C., to Minneapolis, Minn.; (e) from Thomaston, Ga. to Minneapolis, Minn.; (f) from Points in South Carolina and Florida to Minneapolis, Minn.; (g) from Paris, Tex. to Memphis, Tenn. and Arkadelphia, Ark.; (h) from Winfield, La. to Memphis, Tenn.; (i) from Minneapolis, Minn. to points in Alabama, California, Georgia, Florida, Tennessee, Texas, Virginia, and Washington. Restriction: Parts I and II above are restricted to traffic originating at the plant site and storage facilities of Munsingwear Company and destined to the above named destinations.

NOTE.—Applicant states it has filed a Section 5 application to purchase a permit presently held by Minn.-Cal., Inc. of Mandan, N.D.; therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests that it be held at either Minneapolis, Minn. or Chicago, Ill.

No. MC 117765 (Sub-No. 232), filed July 15, 1977. Applicant: Hahn Truck Line, Inc., 5315 NW. 5th St., P.O. Box 75218, Oklahoma City, Okla. 73107. Applicant's representative: R. E. Hagan (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Malt Beverages*, in containers, from Laredo, Tex., to points in Kansas and Missouri.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Oklahoma City, Okla.

No. MC 117765 (Sub-No. 233), filed July 25, 1977. Applicant: Hahn Truck Line, Inc., 5315 NW. 5th St., P.O. Box 75218, Oklahoma City, Okla. 73107. Applicant's representative: R. E. Hagan (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: Treated and untreated poles and posts, from Buffalo, Dwyer, Elk Mountain, and Tie Siding, Wyo.; and Aspen and Fort Collins, Colo., to points in Kansas and Oklahoma.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Oklahoma City, Okla.

No. MC 117883 (Sub-No. 216), filed July 25, 1977. Applicant: SUBLER TRANSFER, INC., 100 Vista Drive, Versailles, Ohio 45380. Applicant's representative: Neil E. Hannan, P.O. Box 62, Versailles, Ohio 45380. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Dairy Products from the plantsite and storage facilities of Beaver Meadow Creamery and Beaver Meadow By-Product Corporation located at or near DuBois, Pa. to points in Illinois, Indiana, and Ohio. Restricted to traffic originating at the named origin and destined to the named destinations.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Washington, D.C. or Columbus, Ohio.

No MC 117940 (Sub-No. 226), filed July 11, 1977. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, Minn. 55359. Applicant's representative: Allan L. Timmerman, P.O. Box 104, Maple Plain, Minn. 55359. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: Such commodities as are dealt in by or used in the operation of retail department stores (except foodstuffs, commodities in bulk, and household goods as defined by the Commission) from New York, N.Y.; Boston, Mass.; and Philadelphia, Pa. Commercial Zones to the facilities of Nordstrom, Inc., in Tukwila, Wash.; and in Seattle, Tacoma, Yakima, Spokane, Bremerton, Bellingham, and Bellevue, Wash. Restricted to traffic originating at named origins and destined to the facilities of Nordstrom's at named destination.

NOTE.—If hearing is deemed necessary, the applicant requests it be held at Seattle, Wash. Applicant holds contract carrier authority in No. MC 114789 (Sub-No. 16 and other subs); therefore dual operations may be involed.

No. MC 118089 (Sub-No. 24), filed July 19, 1977. Applicant: ROBERT HEATH TRUCKING, INC., 2909 Avenue C, P.O. Box 2501, Lubbock, Tex. 79408. Applicant's representative: Charles J. Kimball, 350 Capitol Life Center, 1600 Sherman Street, Denver, Colo. 80203. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes transportign: Meats, meat products, and meat by-products, and articles distributed by meat packinghouses, as described in sections A and C of Appendix 1 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., a subsidiary of Iowa Beef Processors, Inc., at or near Wallula, Wash., to points in Texas.

NOTE.—Common control may be involved. A carrier affiliated with Applicant holds contract carrier authority in MC 139309 and Subs thereto, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests that it be held at Seattle, Wash.

No. MC 118535 (Sub-No. 104), filed July 25, 1977. Applicant: TIONA TRUCK LINE, INC., 111 So. Prospect, Butler, Mo. 64730. Applicant's representative: Jim Tiona, Jr., 111 So. Prospect, Butler, Mo. 64730. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) Urea Formaldehyde Resin and concentrate, agents, chemicals; from Mayes County, Okla. to points in Alabama, Arizona, Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, North Dakota, Ohio, South Dakota, Tennessee, Texas, Wisconsin, and Wyoming; and on return, empty containers from the destination points in (1) above to the origin points in (1) above.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Kansas City, Mo.

No. MC 118776 (Sub-No. 22), filed July 6, 1977. Applicant: C. L. CONNORS, INC., 3820 Wisman Lane, Quincy, Ill. 62301. Applicant's representative: Frank W. Taylor, Jr., Suite 600, 1221 Baltimore Avenue, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Limestone, limestone products, trace minerals, and trace mineral ingredients*, from the plantsite of Calcium Carbonate Company at Quincy, Ill., to points in Alabama, Arkansas, Colorado, Delaware, Georgia, Louisiana, Maryland, Mississippi, Montana, New York, Virginia, and West Virginia.

NOTE.—Common control may be involved: If a hearing is deemed necessary, applicant requests that it be held at St. Louis, Mo.

No. MC 119493 (Sub-No. 153), filed July 21, 1977. Applicant: Monkem Company, Inc., P.O. Box 1196, Joplin, Mo. 64801. Applicant's representative: Harry Ross, 58 South Main Street, Winchester, Ky. 40391. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing, roofing materials and roofing supplies (except liquid in bulk)* from Little Rock, Ark. to points in Texas, Oklahoma, Kansas, Iowa, Missouri, Illinois, Indiana, Kentucky, and Tennessee.

NOTE.—If a hearing is deemed necessary the applicant requests that it be held in Little Rock, Ark.

No. MC 119493 (Sub-No. 154), filed July 21, 1977. Applicant: MONKEM CO., INC., Post Office Box 1196, Joplin, Mo. 64801. Applicant's representative: Harry Ross, 58 South Main Street, Winchester, Ky. 40391. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and siding materials, composition shingles, rolled roofing, roofing compound and accessories thereto* from plantsites and storage facilities of Elk Corp., at or near Stephens and Camden, Ark., to points in Missouri, Oklahoma, Texas, Kentucky, Tennessee, Alabama, Mississippi and Louisiana.

NOTE.—If a hearing is deemed necessary the applicant requests that it be held at Little Rock, Ark.

No. MC 11955 (Sub-No. 17), filed July 13, 1977. Applicant: OIL AND INDUSTRY SUPPLIERS LTD., P.O. Box 3500, Calgary, Alberta T2P 2P9, Canada. Applicant's representative: Ray F. Koby, 314 Montana Building, Great Falls, Mont. 59401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Muriatic acid*, in bulk, in tank vehicles, from the port of entry on the International Boundary line between the United States and Canada, located at or near International Falls, Minn., to Duluth and St. Paul, Minn., restricted to traffic originating in Ontario, Canada.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at any city in Montana. Common control may be involved.

No. MC 119626 (Sub-No. 11), filed July 19, 1977. Applicant: ILL.-PAC. COAST TRANSPORTATION CO. (A corporation), 1601 Market Street, Madison, Ill. 62060. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Bldg., St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts*, as described in Section A of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, and exempt poultry products when transported in the same vehicle, from Muncie, Ind., St. Louis, Mo., and points in Illinois, to points in Washington, Oregon, California, Nevada, Utah, Arizona and New Mexico.

NOTE.—Applicant states that it presently holds operating authority to transport the involved commodities from St. Louis, Mo., to Los Angeles, San Francisco, and Stockton, Calif.; from Springfield, Ill., to San Diego, Sacramento, Los Angeles and San Francisco, Calif.; between Chicago, Ill. and St. Louis, Mo.; from Springfield, Ill., to Las Vegas, Nev.; and from the plantsite of Krey Packing Co., B. Constantino and Sons Co., Inc., and Continental Meat Distributors, Inc., at St. Louis, Mo., Springfield, Ill. and Chicago, Ill., to points in Arizona, Nevada, and New Mexico. Applicant will seek cancellation of all duplicating authority upon grant of this application. If a hearing is deemed necessary, applicant requests that it be held at St. Louis, Mo. or Indianapolis, Ind.

No. MC 119700 (Sub-No. 31), filed July 18, 1977. Applicant: STEEL HAULERS, Inc., 306 Ewing Avenue, Kansas City, Mo. 64125. Applicant's representative: Frank W. Taylor, Jr., Suite 600, 1221 Baltimore Avenue, Kansas City, Mo. 64125. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal buildings, prefabricated, knocked down, and component parts and accessories and damaged and refused shipments on return*, from the plantsite and warehouse facilities of Pascoe Steel Corp., located at or near Wathena, Kans., to points in Arkansas, Illinois, Louisiana, Michigan, Missouri, Oklahoma, Texas and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Kansas City, Mo.

No. MC 119988 (Sub 116), filed July 20, 1977. Applicant: GREAT WESTERN TRUCKING CO., INC., Highway 103 East, P.O. Box 1384, Lufkin, Tex. 75901. Applicant's representative: Hugh T. Matthews, 2340 Fidelity Union Tower, Dallas, Tex. 75201. Authority sought to operate as a *Common Carrier*, by motor vehicle, over irregular routes, transporting: *Paint, Stain* and *Varnish* (except in bulk) from Louisville, Ky. to points in Oklahoma, Texas, Arkansas, Louisiana, Tennessee, Mississippi and Alabama.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 119988 (Sub-No. 117), filed July 25, 1977. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Highway 103 East, Lufkin, Tex. 75901. Applicant's representative: Hugh T. Matthews 2340 Fidelity Union Tower, Dallas, Tex. 75201. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Hardware, conveyors* and *conveyor equipment, furniture, power equipment, wheel goods,* and *bicycles* and *parts* thereof and attachments and accessories therefor and *materials, equipment* and *supplies* used in the manufacture and distribution thereof, between Indianola, Miss., on the one hand, and, on the other, points in Minnesota, Wisconsin, Iowa and Missouri.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Dallas Tex.

No. MC 119988 (Sub No. 118), filed July 25, 1977. Applicant: GREAT WESTERN TRUCKING CO., INC., Highway 103 East, P.O. Box 1384, Lufkin, Tex. 75901. Applicant's representative: Clayte Binion, 1108 Continental Life Building, Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *treated lumber mill products*, from points in Jefferson County, Ark., to points in Texas.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 119991 (Sub-No. 15), filed July 19, 1977. Applicant: YOUNG TRANSPORT, INC., Post Office Box 3, Logansport, Ind. 46947. Applicant's representative: Warren C. Moberly, 777 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hides and skins*, from points in Florida to South St. Paul, Minn.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Washington, D.C. or Chicago, Ill.

No. MC 120646 (Sub-No. 19) (Correction), filed May 17, 1977, published in the FEDERAL REGISTER issues of June 30 and July 28, 1977, and republished as corrected this issue. Applicant: BRADLEY FREIGHT LINES, INC., 35 Garfield St., Asheville, N.C. 28803. Applicant's representative: Henry E. Seaton, 915 Pennsylvania Building, Pennsylvania Ave. & 13th St. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *New furniture and furniture parts*, from the plant sites and warehouse facilities of Broyhill Industries, located at or near Arcadia, La., to points in the United States (except Alaska and Hawaii); and (2) *materials, supplies and equipment*, used in the manufacture of new furniture, *and new furniture*, from points in the United States (except Alaska and Hawaii), to the origin points named in (1) above.

NOTE.—The purpose of this republication is to correct applicant's requests of authority. If a hearing is deemed necessary applicant requests that it be held at Asheville N.C. or Washington, D.C.

No. MC 120761 (Sub-1 No. 26), filed July 18, 1977. Applicant: NEWMAN BROS. TRUCKING CO., 6559 Midway Road, P.O. Box 13302, Fort Worth, Tex. 76118. Applicant's representative: Clint Oldham, 1108 Continental Life Building, Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Roofing and roofing materials and supplies* used or useful in the installation thereof from the plantsite and storage facilities of The Celotex Corp. at or near Camden, Ark., to points in Louisiana, Oklahoma and Texas; and (2) *composition board and materials* used or useful in the installation thereof from the plantsite and storage facilities of The Celotex Corp. at or near Marrero, La., to points in Arkansas, Oklahoma and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Dallas, Texas, or Little Rock, Arkansas, Common control may be involved.

Docket No. MC 121654 (Sub-No. 5), filed July 19, 1977. Applicant: COASTAL TRANSPORT & TRADING CO., a corporation, Post Office Box 7438, Savannah, Ga. 31408. Applicant's representative: Alan E. Serby, 3379 Peachtree Road NE., Suite 375, Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, iron and steel articles, and iron and steel products*, from Savannah, Ga., to points in Alabama, Florida, North Carolina, South Carolina, Mississippi, Louisiana and Virginia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Savannah, or Atlanta, Ga.

Docket No. MC 121654 (Sub-No. 6), filed July 19, 1977. Applicant: COASTAL TRANSPORT & TRADING CO., a Corporation, Post Office Box 7438, Savannah, Ga. 31408. Applicant's representative: Alan E. Serby, 3379 Peachtree Road NE., Suite 375, Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood paneling and composition board*, from the plantsite and warehouse facilities of Champion International, at Charleston and Orangeburg, S.C., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, and Tennessee.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Cincinnati, Ohio, or Atlanta, Ga.

No. MC 121664 (Sub No. 23), filed July 19, 1977. Applicant: G. A. HORNADY, CECIL M. HORNADY, AND B. C. HORNADY DOING BUSINESS AS, HORNADY BROTHERS TRUCK LINE, Box 846, Monroeville, Ala. 36460. 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: Lumber, Lumber Products, Plywood and Particleboard, Between points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Ohio, Tennessee, Texas and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Birmingham or Montgomery, Ala.

No. MC 123056 (Sub-No. 6), filed July 25, 1977. Applicant: FREDONIA TRUCK LINE, INC., Highway 96 and Jackson Street, Fredonia, Kans. 66736. Applicant's representative: Laurel D. McClellan, P.O. Box 478, 430 N. 7th, Fredonia, Kans. 66736. Authority sought to operate as a *contract carrier* by motor vehicle, over irregular routes, transporting: (1) *Dehydrated alfalfa pellets*, in bulk, from Fredonia, Kans., to points in Arkansas, Missouri (except St. Louis), 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., of Fredonia, Kans.; and (2) *Livestock feed pellets* from Fredonia, Kans., to points in Oklahoma; under a continuing contract or contracts with Fredonia Cooperative Association of Fredonia, Kans.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Wichita, Kans. or Kansas City, Mo.

No. MC 123638 (Sub-No. 5), filed July 25, 1977. Applicant: S & R AUTO AND TRUCK SERVICE, INC., 1525 Cliffwood Place, Charlotte, N.C. 28203. Applicant's representative: Edward K. Stokes, 1525 Cliffwood Place, Charlotte, N.C. 28203. Authority to engage in operation, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, in the transportation of (1) *wrecked, disabled, repossessed and impounded motor vehicles, and replacements therefor*, and (2) *motor vehicles including trucks, tractors, buses, and trailers (except trailers designed to be drawn by passenger automobile)*, by use of wrecker equipment only, between points in North Carolina and South Carolina, on the one hand, and, on the other, points in that part of the United States located in and east of Wisconsin, Illinois, Missouri, Arkansas and Texas.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Charlotte, Winston-Salem or Raleigh, N.C.

No. MC 124004 (Sub-No. 42), filed July 21, 1977. Applicant: RICHARD DAHN, INC., 620 West Mountain Road, Sparta, N.J. 07871. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, over irregular routes transporting: Scrap metals in dump vehicles, between points in Pennsylvania, Maryland, Virginia, North Carolina, South Carolina, Georgia, Delaware, New York, Connecticut, Massachusetts, W. Virginia, Rhode Island, Vermont, New Hampshire, Maine, Ohio, New Jersey (except points in the counties of Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester and Salem) and District of Columbia.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at New York, N.Y. or Washington, DC.

No. MC 124078 (Sub-No. 740), filed July 19, 1977. Applicant: SCHWERMAN TRUCKING CO., A Corporation, 611 South 28 Street, Milwaukee, Wis. 53215. Applicant's representative: James R. Ziperski, P.O. Box 1601, Milwaukee, Wis. 53201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic materials, flakes, granules, powder or solid mass*, in bulk, in tank vehicles, from Brunswick, Georgia to points in Alabama, North Carolina, South Carolina, and Tennessee.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Atlanta, Ga. Common control may be involved.

No. MC 124692 (Sub-No. 177), filed July 25, 1977. Applicant: SAMMONS TRUCKING, (A Corporation), P.O. Box 4347, Missoula, Mont. 59806. Applicant's representative: J. David Douglas (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Concrete products* (except in bulk), from Lino Lakes and Coates, Minn., to points in Idaho, Montana, North Dakota and South Dakota.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Minneapolis, Minn.

No. MC 124947 (Sub-No. 63), filed July 26, 1977. Applicant: MACHINERY TRANSPORTS, INC., 116 Allied Road, Stroud, Okla. 74079. Applicant's representative: David J. Lister, 1945 South Redwood Road, Salt Lake City, Utah 84104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) Iron, steel, zinc, lead, and articles or products thereof; (b) building and construction materials, supplies, and equipment (other than self-propelled) and; (c) curing compounds, from the plantsites and warehouse facilities of the Penn-Dixie Steel Corp. located at Kokomo, Fort Wayne, Ind.; Toledo and Columbus, Ohio; Lansing and Grand Rapids, Mich.; Denver, Colo.; Albuquerque, N. Mex.; Centerville, Iowa; Blue Island and Joliet, Ill., to points in the United States (except Alaska and Hawaii); and (2) Materials, equipment and supplies used in the manufacture and distribution of commodities in (1) above, from points in the United States (except Alaska and Hawaii), to the origin points in (1) above, restricted against the transportation of commodities in bulk, and, restricted in (1) above to traffic originating at the plantsite facilities of Penn-Dixie Steel Corp., and further restricted in (2) above to traffic destined to the plantsite facilities of Penn-Dixie Steel Corp.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at either Salt Lake City, Utah or Chicago, Ill.

No. MC 125433 (Sub-No. 109), filed July 19, 1977. Applicant: F-B TRUCK LINE COMPANY (a Corporation), 1945 South Redwood Road, Salt Lake City, Utah 84104. Applicant's representative: David J. Lister, 1945 South Redwood Road, Salt Lake City, Utah 84104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting (1) tractors, (2) industrial, construction, excavating, and material handling equipment, and (3) parts and attachments for (1) and (2) above (except truck tractors, truck tractor attachments, and commodities which by reason of size or weight require the use of special equipment), from the facilities of J. I. Case Company at or near Burlington and Bettendorf, Iowa, to points in California, Oregon, Washington, Idaho, Montana, Nevada, Utah, and Arizona.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Salt Lake City, Utah, or San Francisco, Calif.

No. MC 125433 (Sub-No. 110), filed July 21, 1977. Applicant: F-B TRUCK LINE COMPANY, a Corporation, 1945 South Redwood Road, Salt Lake City, Utah 84104. Applicant's representative: David J. Lister (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting snowmobiles, from Lancaster County, Nebr. to points in Washington, Oregon, Idaho, Montana, Utah, Wyoming, Colorado, North Dakota, South Dakota, Nebraska, Minnesota, Iowa, Wisconsin, Illinois, Michigan, Indiana, Ohio, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, and Maine and further including ports of entry on the International Boundary line between the United States and Canada located in Washington, Idaho, Montana, North Dakota, Minnesota, Michigan and New York, restricted to traffic originating at facilities utilized by Kawasaik Motors Corp., U.S.A.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at either Salt Lake City, Utah, or Los Angeles, Calif.

No. MC 125699 (Sub-No. 4), filed July 15, 1977. Applicant: WILLARD E. DURBIN d.b.a., DURBIN AUTO SERVICE, 421 S. Mulberry Street, Hagerstown, Md. 21740. Applicant's representative: Daniel B. Johnson, 4304 East-West Highway, Washington, D.C. 20014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *wrecked, crushed, and shredded automobiles and shredded residues and scrap*, used or to be used in a recycling process between, Hagerstown Md., on the one hand, and, on the other, points in and east of Wisconsin, Iowa, Missouri, Tennessee, and Alabama.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Hagerstown, Md.

No. MC 126672 (Sub-No. 4), filed July 15, 1977. Applicant. JOHN N. BROCKLESBY TRANSPORT LIMITED, 11175 Parkway Blvd., Montreal, Quebec, Canada HLJ 1S2. Applicant's representative: L. C. Major, Jr., Suite 400, Overlook Building, 6121 Lincolnia Road, Alexandria, Va. 22312. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, in tank vehicles, and in bags, from ports of entry between the United States and Canada located at points in Maine, New Hampshire, Vermont, and New York to points in Connecticut, Rhode Island, and Massachusetts, restricted to shipments originating at the facilities of Independent Cement, Inc., and St. Lawrence Cement Co., located in the Province of Quebec, Canada.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Boston, Mass., or Wachington, D.C. Common control may be involved.

No. MC 127283 (Sub-No. 12), filed July 19, 1977. Applicant: SILICA SAND TRANSPORT, INC., Box 212, Routes 47 and 71, Yorkville, Ill. 60560. Applicant's representative: Albert A. Andrin, 180 North La Salle Street, Chicago, Ill. 60601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sand in bulk*, (1) from Marston, N.C., to points in Ohio, Pennsylvania and West Virginia; and (2) from Ottawa, Minn., to points in Ohio, Pennsylvania, and West Virginia, under contract with Halliburton Services, Division of Halliburton Company.

NOTE.—If a hearing is deemed necessary the applicant requests it be held at Chicago, Ill.

No. MC 127991 (Sub-No. 4), filed July 14, 1977. Applicant: P. F. HUNTLEY COMPANY, a Corporation, E. 6305 Mallon, Spokane, Wash. 99206. Applicant's representative: Christopher J. Dietzen, 708 Old National Bank Building, Spokane, Wash. 99201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from points in Long Beach and Wilmington, Calif., to Pacific Fruit and Produce warehouses, at Pasco and Spokane, Wash.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant

requests it be held at either Spokane or Seattle, Wash.

No. MC 128095 (Sub-No. 16), filed July 19, 1977. Applicant: PARKER TRUCK LINE, INC., P.O. Box 1402, Tupelo, Miss. 38801. Applicant's representative: Fred W. Johnson, Jr., 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Microfoam*, from the facilities of E. I. Du Pont De Nemours & Company at Wurtland, Ky., to points in Arkansas, Mississippi, and Tennessee.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Jackson, Miss., or Washington, D.C.

No. MC 128392 (Sub-No. 2), filed July 15, 1977. Applicant: HARNER'S EXPRESS, INC., 6541 Eastern Avenue, Baltimore, My. 21224. Applicant's representative: Edward J. Kiley, Suite 501, 1730 M Street, NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting *paper and paper articles* from the plantsite and facilities of Container Corporation of America at or near Baltimore, Md., to points in Virginia and the District of Columbia, under a continuing contract or contracts with Container Corporation of America.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Baltimore, Md., or Washington, D.C. Applicant holds common carrier authority in No. MC 46036 (Sub-No. 1), therefore dual operations may be involved.

No. MC 128555 (Sub-No. 17), filed July 17, 1977. Applicant: MEAT DISPATCH, INC., 2103 17th Street, East, Palmetto, Florida 33561. Applicant's representative: Robert D. Gunderman, Suite 710 Statler Hilton, Buffalo, N.Y. 14202. Authority sought to operate as a *contract carrier* by motor vehicle, over irregular routes, transporting: Printed matter, materials and supplies used in the manufacture or production of such printed matter, and scrap paper for recycling, (except commodities in bulk and commodities which, because of size or weight, require the use of special equipment), between Buffalo, N.Y., on the one hand, and, on the other, points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas, restricted to a transportation service to be performed under a continuing contract or contracts with Arcata Graphics—Buffalo, a subsidiary of Arcata National Corporation.

NOTE.—Applicant holds common carrier authority in MC 136123, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests that it be held at Buffalo, N.Y.

No. MC 128831 (Sub-No. 13), filed July 20, 1977. Applicant: DIXON RAPID TRANSFER, INC., Route 64–E, Mt. Morris, Ill. 61054. Applicant's representative: Robert H. Levy, 29 South LaSalle St., Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting pipe and duct used in heating, cooling, airconditioning and exhaust systems, materials and supplies used in the installation thereof, and building construction, wall sections and accessories and parts used in the installation thereof, from the plantsite of United S/M Division of United McGill Corp., located at Westerville, Ohio, to points in Illinois, Indiana, Iowa, Minnesota, Nebraska, and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Chicago, Ill. Common control may be involved.

No. MC 129712 (Sub-No. 13), filed July 25, 1977. Applicant: GEORGE BENNETT MOTOR EXPRESS, INC., P.O. Box 954, McDonough, Ga. 30253. Applicant's representative: Frank D. Hall, Suite 713, 3384 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) Iron and steel and iron and steel articles, between the facilities of Nucor Steel at or near Darlington, S.C., on the one hand, and, on the other, points in Mississippi, Tennessee, Texas, Nebraska, Illinois, Wisconsin, Michigan, Indiana, Kentucky, Alabama, Georgia, Florida, North Carolina, Virginia, West Virginia, Ohio, Pennsylvania, Maryland, New York, New Jersey, Connecticut, Rhode Island, Masachusetts, Vermont, New Hampshire and Maine; and (2) materials, equipment and supplies used, sold or dealt in by steel mills, between the States named in (1) above, on the one hand, and, on the other, the facilities of Nucor Steel located at or near Darlington, S.C., under a continuing contract or contracts with Nucor Steel, a Division of Nucor Corp.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Washington, D.C. or Atlanta, Ga.

No. MC 129712 (Sub-No. 14), filed July 25, 1977. Applicant: GEORGE BENNETT MOTOR EXPRESS, INC., P.O. Box 954, McDonough, Ga. 30253. Applicant's representative: Frank D. Hall, Suite 713, 3384 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: Buildings, metal, knocked down, and component parts thereof; electrical conduits; electric wire and moldings; pipe and pipe fittings; metal tubing; asphalt, solid or liquid, in packages; and supplies, equipment and materials used in the installation and maintenance of the foregoing named commodities; and advertising material, printed, from the plantsite of Walker-Parkersburg, a Division of Textron, Inc., at or near Parkersburg, W. Va., to points in the United States (except Alaska and Hawaii), under a continuing contract or contracts with Walker-Parkersburg, a Division of Textron, Inc.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at either Washington, D.C. or Atlanta, Ga.

No. MC 133095 (Sub-No. 168), filed July 19, 1977. Applicant: TEXAS-CONTINENTAL EXPRESS, INC., P.O. Box 434, Euless, Tex. 76039. Applicant's representative: A. J. Swanson, 521 South 14th St., P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic beverages* (except commodities in bulk), from Baltimore, Md., to points in the United States (except Alaska, Hawaii, and Maryland).

NOTE.—Applicant holds motor contract carrier authority in No. MC 136032 and subs thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests that it be held at Dallas, Tex. or Washington, D.C.

No. MC 134006 (Sub-No. 4), filed July 12, 1977. Applicant: PARKER & SON TRUCKING, INC., 4520 Maywood Ave., Vernon, Calif. 90058. Applicant's representative: Richard Parker, 4520 Maywood Ave., Vernon, Calif. 90058. Authority to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, (except in bulk), from Phoenix, Ariz., to Concord, Vallejo and Hayward, Calif.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Los Angeles or San Diego, Calif.

No. MC 134029 (Sub-No. 6), July 20, 1977. Applicant: SIGEL'S HAULING, INC., P.O. Box 286, Cadiz., Ohio 43907, Applicant's representative: Paul F. Beery, 275 East State St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Used machinery, used equipment, and materials and supplies incidental to, or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of coal, (except commodities in bulk and iron and steel and iron and steel articles). (1) Between points in Noble, Lawrence, and Gallia Counties, Ohio; Pike, Martin, Menifee, Morgan, and Logan Counties, Ky.; Brooke and Hancock Counties, W. Va.; and Washington County, Pa., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), and (2) Between points in Belmont and Jefferson Counties, Ohio, on the one hand, and, on the other, points in the United States (except Alaska, Hawaii, Ohio, Pennsylvania, West Virginia, Kentucky, Indiana, and Illinois). Restriction: The operations herein are restricted (1) to transportation of machinery and equipment that require dismantling or erection for purposes of transportation, and (2) to traffic originating at or destined to the coal mine construction, stripping, and storage locations of Ohio Coal and Construction Corp.; Universal Coal and Energy Co., Inc., West Virginia Energy, Inc., Penn United Energies, Inc., Triex Excavating Co., and Coal Industries of West Virginia, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Columbus, Ohio.

No. MC 134029 (Sub-No. 7), filed July 20, 1977. Applicant: SIGEL'S HAULING, INC., P.O. Box 286, Cadiz, Ohio 43907. Applicant's representative: Paul F. Beery, 275 East State St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Used machinery, used equipment, and materials and supplies incidental to, or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of coal, (except commodities in bulk and iron and steel and iron and steel articles), Between points in Mercer, Putnam, Schuyler, Sullivan, Boone, Adair, Randolph, Monroe, Callaway, Cooper, Saline, Carroll, Montgomery, Ralls, Howard and Shelby Counties, Mo., and Davis and Appanoose Counties, Iowa, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), restricted to the transportation of machinery and equipment that requires dismantling or erection for purposes of transportation; and further restricted to traffic originating at or destined to the coal mine construction, stripping, and storage locations of Missouri Mining Inc., and Universal Coal and Energy Co., Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Columbus, Ohio.

MC 134477 (Sub-No. 183), filed July 19, 1977. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Rd., West St. Paul, Minn. 55118. 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, meats, meat products, meat by-products and articles distributed by meat packinghouses, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities of Morris Rifkin & Sons at or near So. St. Paul, Minn. to Dallas and Fort Worth, Tex. Restricted to the transportation of traffic originating at the above named origin and destined to the above named destination points.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 134599 (Sub-No. 156), filed July 14, 1977. Applicant: INTERSTATE CONTRACT CARRIER CORP., 265 West 2700 South, P.O. Box 748, Salt Lake City, Utah 84110. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionery* (except commodities in bulk or those which because of size or weight require the use of special handling or equipment), from Sulphur Springs, Tex., to points in Washington, Oregon, California, Idaho, Nevada, Utah, Arizona, Montana, Wyoming, Colorado, New Mexico, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Minnesota, Iowa, Missouri, Arkansas and Louisiana, under continuing contract with Hollywood Brands, Division of Consolidated Foods Corp.

NOTE.—Applicant holds motor common carrier authority in No. MC 138906 therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr., or Salt Lake City, Utah.

No. MC 134838 (Sub-No. 17), filed July 11, 1977. Applicant: SOUTHEASTERN TRANSFER & STORAGE CO., INC., P.O. Box 39236, Bolton Station, Atlanta, Ga., 30318. Applicant's representative: Archie B. Culbreth, Suite 246, 1252 West Peachtree St. NW., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Savannah, Ga., to points in Alabama, Florida, Kentucky, Mississippi, North Carolina, South Carolina and Tennessee.

NOTE—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 134884 (Sub-No. 11), filed July 19, 1977. Applicant: FARWEST FURNITURE TRANSPORT, INC., 6840–112th Avenue SE., Renton, Wash. 98055. Applicant's representative: Bruce E. Mitchell, 3379 Peachtree Rd. NE., Suite 375, Atlanta, Ga. 3326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: New furniture and fixtures, from points in Montana to points in Wyoming, Colorado, New Mexico, Utah, Arizona, Nevada and California.

NOTE—If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 134922 (Sub-No. 231), filed July 25, 1977. Applicant: B. J. McAdams, Inc., Route 6, Box 15, North Little Rock, Ark. 72118. Applicant's representative: Bob McAdams (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Plastic materials and products, powders, granules and pellets (except in bulk), from Kobuta, Pa. to Arizona, New Mexico, Nevada, Utah, California, Oregon, Washington, and Idaho.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the Applicant requests it be held at Washington, D.C., or Philadelphia, Pa.

No. MC 134979 (Sub-No. 10), filed July 18, 1977. Applicant: DAGGETT TRUCK LINE, INC., Frazee, Minn. 56544. Applicant's representative: Gene P. Johnson, P.O. Box 2471, 425 Gate City Building, Fargo, N. Dak. 58102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pet food, milk replacer and dried molasses*, from Owatonna and Minneapolis, Minn., to points in Idaho, Montana, North Dakota, and Washington, under a continuing contract or contracts with Farmers Union Grain Terminal Association, located at Sioux Falls, S. Dak.

NOTE.—Applicant holds common carrier authority in MC 124159 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Fargo, N. Dak.; Sioux Falls, S. Dak.; or St. Paul, Minn.

No. MC 135082 (Sub-No. 45) (Amendment), filed April 11, 1977. Published in the FR issue of May 5, 1977, republished as amended this issue. Applicant: BURSCH TRUCKING, INC., d.b.a., ROADRUNNER TRUCKING, INC., P.O. Box 26748, 415 Rankin Road NE., Albuquerque, N. Mex. 87125. Applicant's representative: Don F. Jones, P.O. Box 26748, 415 Rankin Road NE., Albuquerque, N. Mex. 87125. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber, lumber products, wood products and millwork* (except commodities in bulk when moving in tank vehicles), (a) between points in Arizona, Colorado, and New Mexico, (b) from points in Arizona, Colorado, and New Mexico, to points in Kansas, Missouri, Oklahoma, Arkansas, Louisiana, and Texas, (c) from points in Arizona, Colorado, and New Mexico, to points in California, Idaho, Oregon, Montana, Nevada, and Washington; (d) from points in Kansas, Missouri, Oklahoma, Arkansas, Louisiana, and Texas, to points in Arizona, Colorado, and New Mexico; (e) from points in California, Idaho, Montana, Nevada, Oregon, Washington, Utah, and Wyoming, to points in Arizona, Colorado, New Mexico, Kanasas, Oklahoma, Missouri, Arkansas, Louisiana, and Texas; (2) *Resin and wax emulsion, in shipper-owned containers*, between points in New Mexico, on the one hand, and, on the other, points in Texas and Arkansas; and (3) *Machinery, equipment and supplies destined to sawmills, lumber products and wood products mill locations* (except commodities in bulk when moving in tank vehicles), from points in the United States on and west of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiing Counties, Minn., to the International Boundary line between the United States and Canada, to points in Arizona, Colorado, and New Mexico, restricted against traffic moving between points in the States of Colorado, Utah, and Wyoming.

NOTE.—The purpose of this republication is to amend applicant's requests of authority. Applicant intends to tack the separate authorities herein sought under Item 1, subparagraphs, a, b, c, d and e above, at points in the common gateway States of Arizona, Colorado, and New Mexico in order to provide a through service from the origin States specified in subparagraph d to the destination States specified in subparagraph c, and authority to so tack and provide said through service is hereby sought and re-

quested in this application. Pre-hearing conference scheduled November 8, 1977, at the offices of the Interstate Commerce Commission, Washington, D.C.

No. MC 135170 (Sub-No. 24), filed July 19, 1977. Applicant: TRI-STATE ASSOCIATES, INC., P.O. Box 188, Federalsburg, Md. 21632. Applicant's representative: James C. Hardman, 33 N. LaSalle St., Chicago, Ill. 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic and metal products*, from Federalsburg, Md. to points in Delaware, Florida, Georgia, New Jersey, North Carolina, Ohio, Pennsylvania, South Carolina, Virginia, and West Virginia; and (2) *Materials, equipment, and supplies used in the manufacture of metal and plastic products*, from points in above named States to Federalsburg, Md. Restrictions: The above transportation will be performed under a continuing contract with Maryland Plastics, Inc., and is restricted against the transportation of commodities in bulk and against commodities which, because of size or weight, require the use of special equipment.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 135684 (Sub-No. 51) (Correction), filed March 31, 1977, published in the FR issue of May 26, 1977, as No. MC 87720 (Sub-No. 165), and republished as corrected this issue. Applicant: BASS TRANSPORTATION CO., INC., P.O. Box 391, Old Croton Rd., Flemington, N.J. 08822. Applicant's representative: Ronald L. Knorowski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and pet food, and materials, equipment and supplies* used in the manufacture, sale and distribution of animal and pet food, between points in Connecticut, Delaware, Illinois, Indiana, Maryland, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, and the District of Columbia, and Atlanta, Ga., a nonradial movement.

NOTE.—The purpose of this republication is (1) to indicate that the docket number for this proceeding has been reassigned No. MC 135684 (Sub-No. 51), in lieu of No. MC 87720 (Sub-No. 165); and (2) to clarify that a nonradial movement is sought. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 135691 (Sub-No. 17) filed July 21, 1977. Applicant: DALLAS CARRIERS CORP., 3610 Garden Brook Drive, P.O. Box 34080, Dallas, Tex. 75234. Applicant's representative: J. Max Harding, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (a) *Automotive parts and accessories, automotive jacks and cranes (not self-propelled), hand, electric and pneumatic tools, advertising materials, premiums, racks, display cases and signs*, from the plantsite and warehouse facilities of Walker Manufacturing Company located at or near Arden, N.C., to points in the United States (except Alaska and Hawaii); and (b) *Materials, supplies and equipment used in the manufacture, sale and distribution of the aforementioned commodities*, from points in the United States (except Alaska and Hawaii) to the plantsite and warehouse facilities of Walker Manufacturing Company located at or near Arden, N.C. Restriction: All restricted against commodities in bulk or those requiring special equipment, and further restricted to traffic originating at or destined to the plantsite and warehouse facilities utilized by Walker Manufacturing Company at or near Arden, N.C., under a continuing contract or contracts with Walker Manufacturing Company, of Racine, Wis.

No. MC 135965 (Sub-No. 4) filed July 19, 1977. Applicant: J. P. Wiest dba Wiest Truck Line, 1305 6th Avenue SW., Jamestown, N. Dak. 58401. Applicant's representative: James B. Hóvland, P.O. Box 1637, 414 Gate City Building, Fargo, N.Dak. 58102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: prefabricated metal buildings, knocked down, and parts and attachments for prefabricated metal buildings, from Oklahoma City, Okla., to points in North Dakota, under a continuing contract, or contracts, with North Star Steel, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Minneapolis or St. Paul, Minnesota or Bismarck, N. Dak.

No. MC 135982 (Sub-No. 16), filed July 21, 1977. Applicant: S. L. Harris, doing business as P.B.I., P.O. Box 7130, Longview, Tex. 75601. Applicant's representative: Bernard H. English, 6270 Firth Road, Forth Worth, Tex. 76116. Authority sought to operate as a *common carrier*, motor vehicle, over irregular routes, transporting: (1) *Metal containers, metal container ends, and* (2) *shrouds, pallets, chipboard, and dunnage materials*, (1) from Longview, Tex., to Memphis, Tenn., and (2) from Memphis, Tenn., to Longview, Tex.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Dallas or Fort Worth, Tex.

No. MC 136035 (Sub-No. 9), filed July 19, 1977. Applicant: W. S. Dunning & Son, Inc., 131 D South Balmar Street, West Chester, Pa. 19380. Applicant's representative: Gerald K. Gimmel, Suite 145, 4 Professional Drive, Gaithersburg, Md. 20760. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs and food products*, from Louisville, Ky., to points in New York, Massachusetts, New Jersey, Pennsylvania, Maryland, Michigan, Ohio, Indiana, Tennessee, Georgia, Alabama, Florida, Louisiana, Texas, North Carolina, South Carolina, Illinois, Arkansas, Mississippi, Missouri, Washington, Oregon, California, Virginia, West Virginia, Connecticut, and Rhode Island; (2) rejected and returned shipments of the commodities specified in (1) above, from the destination territory listed in (1) above, to the facilities of Paramount Foods, Inc., in Louisville, Ky., and; (3) materials and supplies (except commodities in bulk), used in the manufacture, production, distribution, and sale of commodities listed in (1) above, from the destination territory named in (1) above, to the facilities of Paramount Foods, Inc., in Louisville, Ky., under a continuing contract, or contracts, with Paramount Foods, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 136069 (Sub-No. 9), filed July 21, 1977. Applicant: COIN DEVICES CORP., 1130 Chestnut St., Elizabeth, N.J. 07201. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coins, currency, checks and food stamps*, Between Easton, Pa., on the one hand, and, on the other, the Fidelity Union Bank, Newark, N.J., and National State Bank, Elizabeth, N.J., under a continuing contract or contracts with Village Super Market, Inc., Springfield, N.J.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y. or Newark, N.J.

No. MC 136285 (Sub No. 26), filed July 25, 1977. Applicant: SOUTHERN INTERMODAL LOGISTICS, INC., Post Office Box 1375, Thomasville, Ga. 31792. Applicant's representative: William P. Jackson, Jr., 3426 North Washington Boulevard, Post Office Box 1267, Arlington, Va. 22210. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transportings *Iron and steel articles*, from Savannah, Ga., to points in Florida, Georgia, North Carolina, South Carolina, Alabama, Tennessee, Kentucky, and Mississippi.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Washington, D.C.

MC 136285 (Sub No. 27), filed July 20, 1977. Applicant: SOUTHERN INTERMODAL LOGISTICS, INC., P.O. Box 1375, Thomasville, Ga. 31792. Applicant's representative: William P. Jackson, Jr., 3426 North Washington Boulevard, P.O. Box 1267, Arlington, Va. 22210. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: (1) *Roofing and roofing materials* (except commodities in bulk), from points in Chatham County, Ga., to points in Florida, South Carolina, North Carolina, Alabama, and Tennessee; and (2) *Materials and supplies* used in the manufacture, distribution, and installation of roofing (except commodities in bulk), from points in Florida, South Carolina, North Carolina, Alabama and Tennessee, to points in Chatham County, Ga.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held in Wash-

ington, D.C. Common control may be involved.

No. MC 136669 (Sub-No. 15), filed July 18, 1977. Applicant: PROCESSED BEEF EXPRESS, INC., P.O. Box 522, Dakota City, Nebr. 68731. Applicant's representative: Eugene D. Anderson, 910 17th Street, N.W., Suite 423, Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle over irregular routes, transporting: *Such merchandise as is sold by and used by retail department stores* (except commodities in bulk), from New York, N.Y., to Kansas City, Mo., Kansas City, Kans. Commercial zone, restricted to a continuing contract or contracts with R. H. Macy and Company, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Kansas City, Mo. or Omaha, Nebr. Common control may also be involved.

No. MC 136796 (Sub-No. 3), filed July 19, 1977. Applicant: CHARLES OTTO, d.b.a. OTTO TRANSFER, 417 Elm Street, Delano, Minn. 55328. Applicant's representative: John B. Van de North, Jr., W-2200, First National Bank Building, Saint Paul, Minn. 55101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Insulation products* (except in bulk and except cellulose products), from Rockford, Minnesota, to points in Colorado, Montana, Wyoming, Kansas, Nebraska, Missouri, Michigan, Wisconsin, Iowa, North Dakota, South Dakota, Kentucky, Indiana and Illinois (except points in Cook County), under a continuing contract or contracts with Minnesota Diversified Products, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either St. Paul or Minneapolis, Minn.

No. MC 138126 (Sub-No. 18), filed July 19, 1977. Applicant: WILLIAMS REFRIGERATED EXPRESS, INC., Old Denton Road, Federalsburg, Md. 21632. Applicant's representative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth Street, NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen vegetables*, from Ridgely, Md. to points in Virginia, North Carolina, South Carolina, Georgia and Florida.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held in Washington, D.C.

No. MC 138235 (Sub-No. 15), filed July 25, 1977. Applicant: DECKER TRANSPORT COMPANY, INCORPORATED, 412 Route 23, Pompton Plains, N.J. 07444. Applicant's representative: Hugh T. Matthews, 2340 Fidelity Union Tower, Dallas, Tex. 75201. Authority sought to operate as a *Contract Carrier*, by motor vehicle, over irregular routes, transporting: *Hardware, conveyors* and *conveyor equipment, furniture, power equipment*, and *wheel goods* and *parts, attachments*, and *accessories* therefor, and *materials, equipment*, and *supplies* utilized in the manufacture and distribution thereof (except in bulk), Between Indianola, Mississippi, on the one hand, and, on the other, points in Washington, Oregon, California, Nevada, Idaho, Utah, Arizona, Montana, Wyoming, Colorado, New Mexico, Texas, Oklahoma, Kansas, Nebraska, South Dakota, North Dakota, Arkansas, Louisiana, Alabama, Tennessee, Georgia, Florida, South Carolina, North Carolina, Virginia and West Virginia, under a continuing contract or contracts with MTD Products, Inc. of Willard, Ohio.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Dallas, Tex.

MC 138878 (Sub-No. 7), filed July 1, 1977. Applicant: JOHN S. WATSON, d.b.a. JOHN S. WATSON TRUCKING COMPANY, Route 2, Box 94, Weston, W. Va. 26452. Applicant's representative: John M. Friedman, 2930 Putnam Ave., Hurricane, W. Va. 25526. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting *Steel Tubing*, from Jane Lew, W. Va., to points in Massachusetts, Connecticut, Wisconsin, Minnesota, Texas, Arkansas, Missouri, Kansas, Oklahoma, Iowa, Colorado, Nebraska, California, Oregon and Washington.

NOTE.—If a hearing is deemed necessary, Applicant requests that it be held at Charleston, W. Va.

No. MC 139356 (Sub-No. 2), filed July 11, 1977. Applicant: MIDLAND TRANSPORTATION, INC., 145 North Main, East Wenatchee, Wash. 98801. Applicant's representative: Michael D. Duppenthaler, 515 Lyon Bldg., 607 3rd Ave., Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ferrosilicon*, in bulk, in dump trucks and trailers, from the facilities of The Hanna Mining Company located at or near Rock Island, Wash., to Portland, Oreg.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Wenatchee, Wash., or Seattle, Wash.

No. MC 139369 (Sub-No. 7), filed July 20, 1977. Applicant: RAEMARC, INC., 1531 Taylor Ave., Racine, Wis. 53403. Applicant's representative: Paul R. Bergant, 10 South LaSalle St., Suite 1600, Chicago, Ill. 60603. Authority sought to operate as a *contract carrier* by motor vehicle over irregular routes, transporting: (1) Materials and supplies (except commodities in bulk) use in the manufacture of agricultural, industrial and construction machinery and equipment; (2) parts and attachments for agricultural, industrial and construction machinery and equipment. Between points in Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio and Wisconsin, under contract with J I Case Company.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Chicago, Illinois.

No. MC 139713 (Sub-No. 4), filed July 19, 1977. Applicant: DONALD M. NASS, d.b.a. DON NASS TRUCKING, 210 Front St., Clinton, Wis. 53525. Applicant's representative: Nancy J. Johnson, 4506 Regent St., Madison, Wis. 53705. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of: *Malt beverages*, from Newport, Kentucky to South Beloit, Ill. and points in Wisconsin on and south of U.S. Highway 16.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Madison or Milwaukee, Wis., or Dubuque, Iowa.

No. MC 140379 (Sub-No. 3), filed July 19, 1977. Applicant: TRANSPORT SERVICE, INC., 999 Pontiac Avenue, Cranston, RI 02920. Applicant's representative: Jeffrey A. Vogelman, 6121 Lincolnia Rd., Suite 400, Overlook Bldg., Alexandria, Va. 22312. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Hot rolled steel sheets and coils, hot rolled steel bands, cold rolled steel sheets and coils, black plate in coils, and wire and rod*, from Chicago, Ill.; Warren, Youngstown, and Steubenville, Ohio; Wheeling, W. Va.; Sharon, Pittsburgh, Johnstown, and Fairless, Pa., and Sparrows Point, Md., to the facilities of Newman-Crosby Steel, Inc. at Pawtucket, R.I., and (2) *Cold rolled steel strip, band steel, flat wire*, and *straight and cut steel lengths*, from the facilities of Newman-Crosby Steel, Inc. at Pawtucket, R.I., to points in Georgia, Illinois, Indiana, Kentucky, Michigan, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, and Virginia. The sought authority is restricted to a transportation service to be performed, under a continuing contract, or contracts, with Newman-Crosby Steel, Inc. of Pawtucket, R.I.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Providence, R.I. or Boston, Mass.

No. MC 140511 (Sub-No. 5), filed July 26, 1977. Applicant: AUTOLOG CORPORATION, 319 W. 101 Street, New York, N.Y. 10025. Applicant's representative: Larsh B. Mewhinney, 235 Mamaroneck Ave., White Plains, N.Y. 10605. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used passenger automobiles, vans and pickup trucks up to three-quarter ton; and baggage, sporting equipment and personal effects of the owners thereof* when moving with used passenger automobiles, vans and pickup trucks up to three-quarter ton, in secondary movements, in truckaway service, between points in the United States (except Alaska and Hawaii), in non radial movement.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 140612 (Sub-No. 24), filed July 25, 1977. Applicant: ROBERT F. KAZIMOUR, P.O. Box 2207, Cedar Rapids, Iowa 52406. Applicant's representative: A. J. Swanson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor

vehicle, over irregular routes, transporting: *Such merchandise as is dealt in or used by retail stores,* (except foodstuffs and commodities in bulk). Between the distribution facilities of Ardan Wholesale, Inc. located at or near Des Moines, Iowa on the one hand, and on the other points in Nevada, California and Seattle, Washington.

NOTE.—Applicant holds motor contract carrier authority in No. MC 138003 and sub numbers thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at either Lincoln, Nebraska or Des Moines, Iowa.

No. MC 140665 (Sub-No. 11), filed July 25, 1977. Applicant: PRIME, INC., Route 1, Box 115-B, Urbana, Mo. 65767. Applicant's representative: Clayton Geer, P.O. Box 786, Ravenna, Ohio 44266. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Metal, plastic, or glass coatings; Porcelain materials; clay or clay products; paint; color additives; chemicals; plastic materials; ceramic materials; insulating materials; glassware; refractories; fiberglass; furnace or kiln supplies;* and *materials and supplies used in the production or marketing of the above commodities* (except commodities in bulk), Between the facilities of the Ferro Corporation located in Cuyahoga Heights, Walton Hills, Sebring, and East Liverpool, Ohio; Nashville, Tennessee; Dresden, New York; Pittsburgh, Pennsylvania; Hammond, Indiana; Chicago and Bartlett, Illinois; Houston and Tyler, Texas, on the one hand, and, on the other, points in Arizona, California, Colorado, Nevada, New Mexico, Utah, Wyoming, Montana, Idaho, Oregon, and Washington.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Cleveland, Ohio or Washington, D.C.

No. MC 140678 (Sub-No. 2), filed July 19, 1977. Applicant: ROBERT PATRICK McCARTHY, d.b.a. TRICO, P.O. Box 1319, Tulare, Calif. 93274. Applicant's representative: Randall M. Faccinto, 100 Pine St., Suite 2550, San Francisco, Calif. 94111. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Dry fertilizer,* in bulk, (1) from El Centro, Bena, Edison, Stockton, Helm and Hercules, Calif., to points in Arizona, Nevada, Utah, Colorado, Idaho, Oregon, and Washington; and (2) from Pocatello and Conda, Idaho, and Wendover, Utah, to points in California, under a continuing contract, or contracts, in (1) and (2) above with Valley Nitrogen Producers, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either San Francisco, or Fresno, Calif.

No. MC 140829 (Sub-No. 54) filed July 20, 1977. Applicant: CARGO CONTRACT CARRIER CORP., P.O. Box 206, U.S. Highway 20, Sioux City, Iowa 51102. Applicant's representative, William J. Hanlon, 55 Madison Ave., Morristown, N.J. 07960. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat by-products and articles,* distributed by meat packing houses from the plantsite and/or storage facilities utilized by Land O'Frost, Inc. at or near Searcy, Arkansas to points in Arizona, California, Colorado, Connecticut, Kansas, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Virginia and Washington, D.C., restricted to the transportation of traffic originating at the named origin and destined to points in the above named destination States.

NOTE.—Applicant holds contract carrier authority in MC 136408 (Sub-No. 7) and other subs, therefore, dual operations may be involved. If a hearing is deemed necessary, the applicant requests it to be held in Washington, D.C.

No. MC 140846 (Sub-No. 7), filed July 25, 1977. Applicant: CENTRAL DELIVERY SERVICE OF MASSACHUSETTS, INC., 125 Magazine St., Boston, Mass. 02119. Applicant's representative: Jeremy Kahn, Suite 733, Investment Bldg., Washington, D.C. 20005. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Advertising matter, consisting of camera-ready, paste-ups and layouts,* from Somerville, Mass., to Derry, N.H.; Newport, Pawtucket, and Providence, R.I.; and East Hartford, Ansonia, Bristol, Middletown, Naugatuck, New Britton, New London, Torrington, Winsted, Meriden; Bridgeport, Danbury, New Haven, Norwich, Waterbury, and Milford, Conn., restricted (1) against the transportation of any package or article weighing more than 10 pounds or exceeding 108 inches in length and girth combined, and each package or article shall be considered as a separate and distinct shipment; (2) against the transportation of packages or articles weighing in the aggregate more than 30 pounds from one consignor at one location to one consignee at one location on any one day; (3) to the transportation of packages or articles accomplished within 24 hours of the time in which the package or article is tendered for transportation; and (4) to transportation to be performed under a continuing contract or contracts with First National Stores, Somerville, Mass.

NOTE.—A carrier affiliated with applicant holds common carrier authority in MC 138480 and Sub Nos. thereunder; therefore, dual operations may be involved. Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Boston, Mass.

No. MC 140927 (Sub-No. 4), filed July 19, 1977. Applicant: F. J. CAREY, JR., TRANS., INC., 35 Brett St., Brockton, Mass. 02401. Applicant's representative: Frank J. Weiner, 15 Court Square, Boston, Mass. 02108. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Sodium chloride and pumice,* in bulk, in dump vehicles, from Boston, Mass. to points in Connecticut.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Boston, Mass.

No. MC 141033 (Sub-No. 28), filed July 21, 1977. Applicant: CONTINENTAL CONTRACT CARRIER CORP., P.O. Box 1257, City of Industry, Calif. 91749. Applicant's representative: R. A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Wire and cable* (except commodities in bulk and those which by reason of size or weight require the use of special equipment), from Rome, N.Y., to points n the United States (except Alaska & Hawaii) and (2) *returned, refused or rejected shipments* of wire and cable from points in the United States (except Alaska & Hawaii) to Rome, N.Y. Restricted to the transportation of commodities originating at the plant sites and facilities of Cyprus Wire and Cable Company.

NOTE.—Applicant holds contract carrier authority in MC 124796 (Sub-No. 11) and other subs, therefore dual operations may be involved. Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Albany, New York or Washington, D.C.

No. MC 141076 (Sub No. 13), filed July 21, 1977. Applicant: ROGERS MOTOR LINES, INC., R.D. No. 2, P.O. Box 338D2, Hackettstown, N.J. 07848. Applicant's representative: Eugene M. Malkin, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Confectionery* and *confectionery products,* in vehicles equipped with mechanical refrigeration (except in bulk), from the plant site and storage facilities of M & M/MARS, Division of MARS, Inc. at or near Hackettstown, N.J. and Elizabethtown, Pa. to points in Michigan and Ohio, restricted to traffic originating at the above-named origins and destined to points in the named destination states.

NOTE.—Applicant holds motor contract authority in MC 140781. Therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests that it be held at New York, N.Y. or Washington, D.C.

No. MC 141317 (Sub No. 2), filed July 18, 1977. Applicant: R. J. L. CORPORATION, P.O. Box 125, Shelburn, Ind. 47879. Applicant's representative: Donald W. Smith, Suite 2465, One Indiana Square, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Corrugated plastic drainage tubing* from the plant site and warehouse facilities of Certain-Teed/Daymond Co. at or near Towanda, Ill., to points in Missouri, Kansas, Arkansas, Tennessee, Kentucky, Indiana, Ohio, Iowa, Minnesota, Wisconsin, Michigan, Pennsylvania, New York, Nebraska and West Virginia, under a continuing continuing contract or contracts with Certain-Teed/Daymond Co.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 141414 (Sub-No. 2), filed July 25, 1977. Applicant: TOTO PURCHASING & SUPPLY CO., INC., 275 Highland Avenue (Rear), Las Vegas, Nev. 89106. Applicant's representative: Carl H. Fritze, 1545 Wilshire Boulevard, Los Angeles, Calif. 90017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *gypsum wallboard and gypsum lath*, palletized, from points in Clark County, Nevada, to points in California, except Los Angeles, Orange, Riverside and San Bernardino Counties.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Las Vegas, Nev. or Los Angeles, Calif.

No. MC 141849 (Sub-No. 6), filed July 25, 1977. Applicant: RAY LOCKRIDGE TRUCKING, INC., 95 Lawrenceville Industrial Park, Circle N.E., Lawrenceville, Ga. 30245. Applicant's representative: Virgil H. Smith, Suite 12, 1587 Phoenix Boulevard, Atlanta, Ga. 30349. Authority to operate as a *contract carrier*, by motor vehicle, over irregular routes in the transportation of, *plastic articles* (except in bulk), from points in Newton and Rockdale Counties, Ga. to points in West Virginia, under a continuing contract or contracts with Mobile Chemical Company, Plastics Division of Macedon, N.Y.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Atlanta, Ga.

No. MC 141914 (Sub-No. 13), filed July 21, 1977. Applicant: FRANKS & SON, INC., Route 1, Box 108A, Big Cabin, Okla. 74332. Applicant's representative: Gary Brasel, Mezzanine Floor, Beacon Building, Tulsa, Okla. 74103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Plastic products, wood products, and sporting goods, from the plant site of Forster Manufacturing Company, Inc., located at Wilton and Strong, Maine, to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Portland, Maine.

No. MC 142040 (Sub-No. 3), filed July 14, 1977. Applicant: AMBER DELIVERY SERVICE, INC., 25 Franklin Street, Malden, Mass. 02148. Applicant's representative: Joseph T. Bambrick, Jr., P.O. Box 216, 217 Old Airport Road, Douglassville, Pa. 19518. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Middlesex, Norfolk and Suffolk Counties, Mass., on the one hand, and, on the other, points in Androscoggin, Cumberland, Franklin, Hancock, Knox, Lincoln, Oxford, Penobscot, Sagadahoc, Somerset, and Waldo Counties, Maine, and Belknap, Carroll, Cheshire, Coos, Grafton, Merrimack, Strafford, and Sullivan Counties, N.H., restricted to individual articles not exceeding 200 pounds and shipments not exceeding 500 pounds from one consignor to one consignee in a single day, and further restricted to shipments destined to or originating at an individual residence.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Boston, Mass. or Chicago, Ill.

No. MC 142353 (Sub-No. 3), filed July 15, 1977. Applicant: ADAMS SAND CO., INC., Highway 90, General Delivery, Mossy Head, Fla. 32434. Applicant's representative: Edward L. Adams, Highway 90, General Delivery, Mossy Head, Fla. 32434. Authority to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials* in bulk, in side-dump trailers from Cottondale and Pace, Fla., to points in Alabama and Georgia on and South of U.S. Highway 80 and West of Interstate 75.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Tallahassee, Fla.

No. MC 142356 (Sub-No. 4), filed July 20, 1977. Applicant: J. S. BRYANT TRUCKING COMPANY, INC., Route 3, Box 214C, Lynchburg, Va. 24504. Applicant's representative: Michael L. Rigsby, 200 West Grace Street, Suite 415, Richmond, Va. 23220. Authority sought to operate as a *contract carrier* by motor vehicle, over irregular routes, transporting: *scrap iron and shredded scrap steel*, between Washington, D.C., on the one hand, and, on the other, points in Lynchburg, Radford, and Roanoke, Va., under a continuing contract or contracts with Lynchburg Foundry Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Lynchburg, Va.

No. MC 142549 (Sub-No. 1), filed July 15, 1977. Applicant: WALNUT HILL WRECKER SERVICE, INC., 11500 Stemmons Freeway, Suite 112, Dallas, Tex. 75229. Applicant's representative: D. Paul Stafford, Suite 1125, Exchange Park, P.O. Box 45538, Dallas, Tex. 75245. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *wrecked, disabled, or repossessed vehicles and replacement vehicles for wrecked, disabled or repossessed vehicles, by use of wrecker equipment*, between Dallas County, Texas, on the one hand, and, on the other, points in the United States (except New Mexico, Arizona, Colorado, Kansas, Oklahoma, Missouri, Arkansas, Louisiana, Mississippi, Tennessee, Alabama, Georgia, Florida, Alaska, and Hawaii.)

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held in Dallas, Tex.

No. MC 142766 (Sub-No. 6), filed June 20, 1977. Applicant: WHITE TIGER TRANSPORTATION, INC., 115 Jacobus Ave., Kearny, N.J. 07032. Applicant's representative: George A. Olsen, P.O. Box 357, Gladstone, N.J. 07934. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural insecticides, fungicides*, and *chemicals*, in mechanical refrigerated equipment, from points in the New York, N.Y. Commercial Zone as defined by the Commission and Piers in New York, N.Y. Harbor as defined by the Commission, to Bakersfield, San Francisco, Lathrop, Calif.; Danbury and Wallingford, Conn.; Wilmington and Atlas Point, Del.; Miami, Eaton Park, Tampa, Fla.; Savannah, Ga.; Carpentersville, Chicago, Northbrook, Rockford, Ill.; Indianapolis, South Bend, Ind.; Burlington, Iowa; Auburn, Maine; Boston, Chelsea, Westminister, Pittsfield, Mass.; Smithfield, Mich.; Minneapolis, Minn.; Picayune, Miss.; St. Louis, Kansas City, St. Joseph, Mo.; Buffalo, White Plains, Rochester, N.Y.; Burgaw, N.C.; Ashtabula, Cincinnati, Columbus, Cleveland, Dublin, Toledo, Akron, Ohio; Neville Island, Philadelphia, Pittsburgh, Pa.; Kingsport, Tenn.; Dallas, Houston, Tex.; Saukville, Port Washington, Milwaukee, Wis., under a continuing contract, or contracts, with Solchem Incorporated.

NOTE.—Applicant has motor common carrier authority pending in NO. MC 143236 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at either New York, N.Y., or Washington, D.C.

No. MC 142855, filed July 19, 1977. Applicant: ORANGEBURG TRUCKING, INC., P.O. Drawer 1164, Orangeburg, S.C. 29115. Applicant's representative: Frank A. Graham, Jr., 707 Security Federal Building, Columbia, S.C. 29201. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Woodchips, sawdust, and bark*, from Elgin and Orangeburg, S.C., to Augusta and Savannah, Ga.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Columbia, S.C., Charlotte, N.C., or Augusta, Ga.

No. MC 142914 (Sub-No. 1), filed July 19, 1977. Applicant: RAYMOND C. GRIFFITH, dba Griffith Transport, P.O. Box 244, Esbon, Kans. 66941. Applicant's representative: Eugene W. Hiatt, 207 Casson Building, 603 Topeka Boulevard, Topeka, Kans. 66603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: Meat scraps, offal products, lungs, tripe, hearts, liver, tails and switches, spleens, cheek meats, lips, pancreas, glands, Salisbury glands and fats, weasland, head meats, beef tongue and tallow, animal, from Mankato, Kans., to points in Nebraska, Iowa, Missouri, Oklahoma, Colorado, Arkansas, Texas, and Illinois, under a continuing contract or contracts with Dubuque Packing Company of Mankato, Kans.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Salina, Topeka, or Kansas City, Kans. or Kansas City, Mo.

No. MC 143027 (Sub-No. 1), filed July 19, 1977. Applicant: MICHAEL J. RESUDEK, doing business as CAPITOL CARTAGE CO., 3521 International Ln., Madison, Wis. 53704. Applicant's representative: Michael J. Resudek (same address as applicant). Authority sought to oper-

ate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk, household goods as defined by the Commission, Classes A & B explosives, those which because of size or weight require special equipment, and those of unusual value), between Dane County Regional Airport, Madison, Wis., and Greater Rockford Airport, Rockford, Ill., restricted to traffic having a prior or subsequent movement by air.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Madison, Wis.

No. MC 143059 (Sub-No. 3), filed July 19, 1977. Applicant: MERCER WATER & SEWER TRANSPORTATION CO., 1021 N. Calhoun Street, P.O. Box 4474, Fort Worth, Tex. 76106. Applicant's representative: Clayte Binion, 1108 Continental Life Building, Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting *iron pipe fittings,* from the plantsite of J. P. Ward Foundries, Inc., at or near Blossburg (Tioga County), Pa., to points in the United States (except Alaska or Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., Louisville, Ky.

No. MC 143127 (Sub-No. 1), filed July 15, 1977. Applicant: K. J. TRANSPORTATION, INC., 1000 Jefferson Rd., Rochester; N.Y. 14623. Applicant's representative: S. Michael Richards, P.O. Box 225, 44 North Ave., Webster, N.Y. 14580. Authority sought to operate as a *common carrier,* by motor vehicle over irregular routes, transporting: *Foodstuffs* from Yates, Wayne, Ontario, Genesee, Livingston, Orleans, and Monroe Counties, N.Y., to points in Illinois, Indiana, Kentucky, Michigan, and Wisconsin.

NOTE.—Applicant holds motor contract carrier authority in No. MC–138991 (Sub-No. 2 and others); therefore dual operations may be involved. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either New York City or Syracuse, N.Y.

Docket MC 143157 (Sub-No. 1), filed July 18, 1977. Applicant: BILBO FREIGHT LINES, INC., 2722 Singleton Blvd., Dallas, Tex. 75212. Applicant's representative: Austin L. Hatchell, 1102 Perry Brooks Bldg., Austin, Tex. 78701. Authority sought as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Gypsum and Gypsum Products and Materials and Supplies used in the distribution of Gypsum and Gypsum Products (except in bulk),* from Acme, Tex., to points in Texas, restricted to shipments moving in foreign commerce, and under a continuing contract or contracts with Georgia Pacific Corporation, Gypsum Division.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at either Dallas or Forth Worth, Tex.

No. MC 143184 (Sub-No. 2), filed July 19, 1977. Applicant: DARREL W. PRICE, doing business as MODULAR WEST TRANSPORT, 349 33rd Street, Ogden, Utah 84401. Applicant's representative: Frank M. Wells, 550 24th Street, Ogden, Utah 84401. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting *modular buildings* and *related equipment* and *furnishings,* from Ogden, Utah, to points in Wyoming, Montana, Colorado, Nevada, Idaho, Oregon, and Washington, under a continuing contract or contracts with First Rocky Mountain Corporation.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Salt Lake City, Utah.

No. MC 143193, filed July 18, 1977. Applicant: JUNEAU TRANSIT, INC., 105 North 8th Street, Manitowoc, Wis. 54220. Applicant's representatitve: Leslie J. Valleskey, 105 North 8th Street, Manitowoc, Wis. 54220. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Ethyl Alcohol* in bulk in tank vehicles, from Juneau, Wis., to points in Minnesota, Iowa, Indiana, Illinois and Michigan, and *brewer's yeast* in bulk in tank vehicles from points in Minnesota, Iowa, Indiana, Illinois and Michigan, to Juneau, Wis., under a continuing contract or contracts with Milbrew, Inc. of Milwaukee, Wis.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Milwaukee, Madison, or Green Bay, Wis.

No. MC 143249 (Sub-No. 2), filed July 21, 1977. Applicant: MID-EASTERN TRANSPORTATION, INC., Sugar Hollow Road, Box 1834, Morristown, Tenn. Applicant's representative: Roland M. Lowell, 618 United American Bank Building, Nashville, Tenn. 37219. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *clocks, new furniture, parts of furniture, and parts* used in manufacture of furniture, (1) Between New Albany, Ind., Newcomerstown, Ohio and Knoxville, Tenn. (2) From New Albany, Ind., Newcomerstown, Ohio and Knoxville, Tenn. to points in Alabama, Florida and Georgia (3) From points in Cocke, Jefferson and Hamblin Counties, Tenn. to points in Alabama, Florida and Georgia.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Knoxville or Nashville, Tenn.

No. MC 143280 (Sub-No. 2), filed July 20, 1977. Applicant: SAFE TRANSPORTATION COMPANY, a corporation, 1975 Oakcrest Avenue, Roseville, Minn. 55113. Applicant's representative: James E. Ballenthin, 630 Osborn Building, St. Paul, Minn. 55102. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Glass containers, glass container closures and glass container packaging materials and cartons,* from Shakopee, Minn. to points in Illinois, Iowa, Missouri and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minnesota.

No. MC 143301 (Sub-No 2), filed July 20, 1977. Applicant: SPAULDIN ALLISON, doing business as ALLISON TRUCKING, Route 2, Box 162, Horse Shoe, N.C. 28742. Applicant's representative: George W. Clapp, 109 Hartsville Street, P.O. Box 836, Taylors, S.C. 29687. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Coal,* in bulk, in dump vehicles, from points in Bell County, Ky., and Campbell and Morgan Counties, Tenn., to the plantsite of Olin Corporation located at or near Pisgah Forest, N.C.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Asheville, N.C.

No. MC 143435 (Sub-No. 1), filed July 18, 1977. Applicant: MONDAY'S EXPRESS, INC., 201 Johnson St., Covington, Ky. 41011. Applicant's representative: Charles P. Gore, 107 Church St., Lexington, Ky. 40507. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: (1) *Premixed clay,* from Cincinnati, Ohio, to McMinnville, Tenn.; (2) *raw castings,* from McMinnville, Tenn.; to Cincinnati, Ohio; Buffalo and Akron, N.Y.; Lake City, Minn.; and Detroit, Mich.; and (3) *empty metal containers,* from Detroit, Mich.; to McMinnville, Tenn.; under contract with Powermatic/Houdaille, Inc.; at McMinnville, Tenn.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Lexington, or Louisville, Ky., or Cincinnati, Ohio.

No. MC 143449 (Sub-No. 1), filed July 5, 1977. Applicant: RED BALL WRECKER SERVICE, INC., 235 West 10th, Wichita, Kans. 67203. Applicant's representative: Clyde N. Christey, 514 Capitol Federal Bldg., Topeka, Kans. 66603. Authority sought to operate as a *common carrier,* by motor vehicles over irregular routes, transporting: *Wrecked and disabled or repossessed vehicles and trailers and replacement vehicles and trailers for such wrecked or disabled vehicles,* between points in Kansas, on the one hand, and points in the United States (except Alaska and Hawaii), on the other hand. Restricted against trailers designed to be drawn by passenger automobiles, mobile homes, buildings in sections, traveling on their own or removable undercarriages, unless they are wrecked.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Topeka, Kans. or Kansas City, Mo.

No. MC 143497, filed July 15, 1977. Applicant: S. J. BROWNING CORP., New Plain Road, Northfield, Mass. 01360. Applicant's representative: David M. Marshall, 101 State Street—Suite 304, Springfield, Mass. 01103. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes transporting: *Stoves, fireplaces, building materials, and materials and supplies used in the manufacture and sale of such commodities* (except in bulk, in tank vehicles), between Orange and Boston,

Mass.; Camden, N.J.; New York, N.Y.; Baltimore, Md.; Savannah, Ga.; and Raleigh, N.C. on the one hand, and, on the other, points in the United States in and east of Minnesota, Iowa, Missouri, Arkansas and Louisiana under a continuing contract or contracts with Interncontinental Building Products.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Boston, Mass.; Albany, N.Y. or Washington, D.C.

No. MC 143498, filed July 19, 1977. Applicant: THOMAS PRODUCE COMPANY OF MOUNT AIRY, INC., North Carolina Hwy. No. 220 South, P.O. Box 16707, Greensboro, N.C. 27406. Applicant's representative: Michael F. Morrone, 1150 17th Street NW., Suite 1000, Washington, D.C. 20036. Authority to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *cloth, dry goods and fabrics* from Danville, Va. to Los Angeles, Calif. and points in Los Angeles County, Calif. under a continuing contract or contracts with Dan River, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held in Washington, D.C. or Greensboro, N.C.

No. MC 143499, filed July 21, 1977. Applicant: DOUBLE NICKEL TRANSPORT LTD., 32 North Lexow Avenue, Nanuet, N.Y. 10954. Applicant's representative: John L. Alfano, 550 Mamaroneck Avenue, Harrison, N.Y. 10528. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastics and Plastic Articles* (except in bulk), from Terre Haute, Ind., DeRidder, La., and Mount Vernon, N.Y. to points in the United States, except Alaska, Arizona, Colorado, Hawaii, Idaho, Nebraska, New Mexico, Oklahoma, and Wyoming; and (2) *Materials and supplies used in the production of plastics and plastic articles* (except in bulk), from Lampoc, Calif.; Windsor Locks, Conn.; Atlas Point and Edge Moor, Del.; McCook, Ill.; Ville Platt and Westlake, La.; Baltimore, Laurel and Texas, Md.; Framingham, Mass.; Melvindale, Mich.; Hamilton, Miss.; St. Louis, Mo.; Bayonne, Bound Brook, Carlstadt, Gloucester City, Lodi, Newark, Parsippany, Perth Amboy, Sayreville, Secaucus, S. Plainfield, Tom's River, and Union, N.J.; Glens Falls, Rensselaer, and New York, N.Y.; Ashtabula, Cincinnati, Cleveland, Dover, and Painesville, Ohio; Bethlehem, Easton, Stockertown, Washington, and Williamsport, Pa.; Coventry, R.I.; Kingsport, Tenn.; Willow Island, W.Va.; and ports of entry located on the International Boundary Line between the United States and Canada in Maine, Michigan, New Hampshire, New York, and Vermont to Terre Haute, Ind., DeRidder, La., and Mount Vernon, N.Y., under a continuing contract or contracts with Ampacet Corp., of Mount Vernon, N.Y.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at White Plains, N.Y.

No. MC 143500, filed July 20, 1977. Applicant: R. B. CARRIERS, INC., 4425 Highway 31E, Jeffersonville, Ind. 47130. Applicant's representative: Gerald K. Gimmel, Suite 145, 4 Professional Drive, Gaithersburg, Md. 20760. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) plumbing fixtures and fittings and related equipment from the plantsites and storage facilities of American Standard, Inc., at Tiffin, Ohio, and Louisville, Ky., to points in and west of Montana, Wyoming, Colorado, and New Mexico; and (2) materials, supplies and equipment used in the manufacture, production, distribution and sale of the commodities in (1) above from points in and west of Montana, Wyoming, Colorado, and New Mexico to the plantsites and storage facilities of American Standard, Inc., at Tiffin, Ohio and Louisville, Ky., under a continuing contract or contracts in (1) and (2) above with American Standard, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Washington, D.C.

No. MC 143501, filed July 20, 1977. Applicant: R. G. C. CARGO CARRIERS, INC., 16901 Van Dam Road, South Holland, Ill. 60473. Applicant's representative: Gerald K. Gimmel, Suite 145, 4 Professional Drive, Gaithersburg, Md. 20760. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: fire fighting equipment and parts, and equipment, materials and supplies used in the manufacture, installation and repair thereof (except commodities in bulk), between Northbrook, Ill., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), under a continuing contract or contracts with General Fire Extinguisher Corporation.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Chicago, Ill.

No. MC 143502, filed July 20, 1977. Applicant: THE GOOD MECHANIC AUTO COMPANY, INC., 7224 Euclid Avenue, Cleveland, Ohio 44103. Applicant's representative: Paul F. Beery, 275 East State Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) Wrecked, disabled and repossessed motor vehicles, trailers, and busses (except trailers designed to be drawn by passenger automobiles), and (2) replacement vehicles for wrecked or disabled motor vehicles and trailers (except trailers designed to be drawn by passenger automobiles), by use of wrecker equipment only, between Summit, Cuyahoga and Lake Counties, Ohio, on the one hand, and, on the other, points in Pennsylvania, New York, West Virginia, Kentucky, Indiana, Illinois and Michigan.

NOTE.—Common control may be involved. If a hearing is deemed necessary the applicant requests that it be held at Columbus, Ohio.

No. MC 143503, filed July 20, 1977. Applicant: MERCHANTS HOME DELIVERY SERVICE, INC., P.O. Box 5067, Oxnard, Calif. 93031. Applicant's representative: T. M. Brown, 223 Ciudad Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: New furniture, new home furnishings, and accessories, between the facilities of Englander Triangle, Inc., located at or near Detroit, Mich., on the one hand, and on the other points in Williams, Fulton, Lucas, Ottawa, Sandusky, Wood, Henry, and Defiance Counties, Ohio.

NOTE.—Applicant holds contract carrier authority in MC 136211 (Sub-No. 1) and other subs, therefore, dual operations may be involved. If a hearing is deemed necessary, the applicant requests that it be held at either Detroit, Mich., or Los Angeles, Calif.

No. MC 143516, filed July 25, 1977. Applicant RAIL HIGHWAY TRANSPORTATION, INC., 2850-6 East River Road, Dayton, Ohio 45439. Applicant's Representative: Thomas F. Kilroy, Suite 406 Executive Building, 6901 Old Keene Mill Road, Springfield, Va. 22150. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting general commodities having a prior or subsequent movement by rail or water between Dayton, Columbus, and Cincinnati, Ohio, on the one hand, and, on the other, points in Ohio.

NOTE.—If a hearing is deemed necessary, the Applicant requests that it be held in Cincinnati, Ohio, or Washington, D.C.

No. MC 143518, filed July 20, 1977. Applicant: GREAT AMERICAN TRANSPORTATION, INC., 1284 Central Street, Leominster, Mass. 01453. Applicant's representative: David M. Marshall, 101 State Street, Suite 304, Springfield, Mass. 01103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting paper, plastic, paper, plastic and metal articles, corrugated cartons; and materials, supplies and equipment used in the manufacture of such commodities (except in bulk, in tank trucks), between the plants and facilities of Erving Paper Mills located in Brattleboro, Vt.; Erving, Baldwinville, and Orange, Mass.; Hinsdale, N.H.; Ligonier, Ind.; Hialeah, Fla.; Lockland, Ohio, and Mount Vernon, Ga., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), under a continuing contract or contracts with Erving Paper Mills.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Albany, N.Y.; Hartford, Conn.; Boston, Mass., or Washington, D.C.

No. MC 143519, filed July 22, 1977. Applicant: MALO TRANSPORT (1971), INC., 22 St. Jacques Street, St. Paul, Jollette, Quebec, Canada. Applicant's representative: Robert D. Gunderman, Suite 710 Statler Hilton, Buffalo, N.Y. 14202. Authority sought to operates as a *contract carrier*, by motor vehicle, over irregular routes, transporting: lime and lime products, in bulk, in tank vehicles, between ports of entry located on the International Boundary line between the United States and Canada in New York, Vermont, New Hampshire, and Maine,

on the one hand, and, on the other, points in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, Vermont, and Bellefonte, Pa., restricted to the transportation of traffic originating at or destined to the plantsite or facilities of Domtar Chemicals Limited, at or near Joliette, Quebec, under a continuing contract or contracts with Domtar Chemicals Limited.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Buffalo, N.Y.

No. MC 143520, filed July 21, 1977. Applicant: AAA MIDWEST VAN LINES, INC., 1350 Stimmel Road, Columbus, Ohio 43223. Applicant's representative: E. H. van Deusen, P.O. Box 97, 220 West Bridge Street, Dublin, Ohio 43017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used Household Goods* (restricted to the transportation of traffic in pickup and delivery service, having a prior or subsequent movement beyond the area authorized, on a through bill of lading issued by freight forwarder); between points in Franklin County, Ohio, on the one hand, and, on the other, points in Athens, Belmont, Carroll, Coshocton, Crawford, Delaware, Fairfield, Franklin, Gallia, Guernsey, Harrison, Hocking, Holmes, Jackson, Jefferson, Knox, Lawrence, Licking, Madison, Marion, Meigs, Monroe, Morgan, Muskingum, Noble, Perry, Pickaway, Pike, Richland, Ross, Scioto, Seneca, Stark, Tuscarawas, Union, Vinton, Washington, and Wyandot Counties, Ohio.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at San Francisco, Calif.

No. MC 143521, filed, July 19, 1977. Applicant: TWEHOUS EXCAVATING COMPANY, INC., Route 3, Jefferson City, Mo. 65101. Applicant's representative: James C. Swearengen, P.O. Box 456, Jefferson City, Mo. 65101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction and contractors' machinery and equipment*, such as bulldozers, crawler tractors, cranes, shovels, motor graders, front-end loaders, rollers, scrapers, rippers and other such equipment which, because of size or weight, requires the use of special equipment, between points in Bollinger, Butler, Cape Girardeau, Dunklin, Miss.; New Madrid, Pemiscot, Scott, Stoddard, and Wayne, Counties, Mo., on the one hand, and, on the other, points in Alexander, Bond, Clay, Clinton, Crawford, Edwards, Effingham, Fayette, Franklin, Gallatin, Hamilton, Hardin, Jackson, Jasper, Jefferson, Johnson, Lawrence, Marion, Massac, Pope, Pulaski, Richland, Saline, Union, Wabash, Washington, Wayne, White and Williamson Counties, Ill.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at St. Louis, Mo.

No. MC 143522, filed July 25, 1977. Applicant: CONSOLIDATED CARRIERS, INC., 302 Haugh Drive, Pittsburgh, Pa. 15237. Applicant's representative: Patrick E. Quinn, P.O. Box 9596, Chattanooga, Tenn. 37412. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those which because of size or weight require the use of special equipment), from Erie and Niagara Counties, N.Y., to points in Arizona, California, Nevada, Oregon, and Washington. Restricted to traffic originating at points in Erie and Niagara Counties, N.Y. and, further restricted to traffic moving for the account of Empire State Shippers Association, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 143526 filed July 19, 1977. Applicant: JIMMIE DAVIS, doing business as FOUR WAY HOUSE MOVERS, Route 5, Box 174, Lubbock, TX 79407. Applicant's representative: Thomas F. Sedberry, 1102 Perry-Brooks Building, Austin, TX 78701. Authority sought as a *common carrier*, by motor vehicle, over irregular routes, transporting: Houses and Prefabricated Buildings, intact or in sections (except when transported on wheeled undercarriages equipped with hitchball connectors), from Lubbock County, Tex., to points in Colorado, Kansas, New Mexico and Oklahoma.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Lubbock or Dallas, Tex.

No. MC 143527, filed July 19, 1977. Applicant: JACQUELINE A. RUNYON, d.b.a. SOS TOWING, 6931 N.E. Union Ave., Portland, Oreg. 97211. Applicant's representative: Lawrence V. Smart, Jr., 419 N.W. 23rd Ave., Portland, Oreg. 97210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wrecked, disabled, stolen, repossessed,* and *abandoned motor vehicles*, and *replacement motor vehicles* therefor, by use of wrecker equipment; and (2) *Machinery* with motor power removed, by use of wrecker equipment, between points in Oregon, Washington, Idaho and California.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Portland, Oreg.

No. MC 1515 (Sub-No. 235), filed July 20, 1977. Applicant: GREYHOUND LINES, INC., Greyhound Tower, Phoenix, Ariz. 85077. Applicant's representative: W. L. McCracken (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle over regular routes, transporting: Passengers and their baggage in the same vehicle with passengers in one way and round trip special operations, (1) between Mountain Home, Idaho, and Elko, Nevada, serving all intermediate points: From Mountain Home over Idaho State Highway 51 to the Idaho-Nevada State Line, thence over Nevada State Highway 51 to Elko, Nev., and return over the same route, (2) between the junction of U.S. Highway 30 and U.S. Highway 93, west of Twin Falls, Idaho, and the junction of U.S. Highway 93 and U.S. Highway 40 and Interstate Highway 80, east of Wells, Nev., serving all intermediate points: From the junction of U.S. Highway 30 and U.S. Highway 93, over U.S. Highway 93 to junction U.S. Highway 40 and Interstate Highway 80, and return over the same route.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant does not specify a location.

No. MC 13300 (Sub-No. 91), filed July 11, 1977. Applicant: CAROLINA COACH CO., d.b.a. Carolina Trailways, a Corporation, 1201 S. Blount St., P.O. Box 1591, Raleigh, N.C. 27602. Applicant's representative: Edward G. Villalon, 1032 Pennsylvania Building, Pennsylvania Ave. and 13th St. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *passengers and their baggage and express and newspapers* in the same vehicle with passengers: (1) Between the junction of U.S. Highway 13 and U.S. Highway 9 and Harbeson, Del., serving all intermediate points: From junction of U.S. Highway 13 and U.S. Highway 9 near Laurel, Del., thence over U.S. Highway 9 to Harbeson, Del., and return over the same route; (2) Between Lewes, Del., and Atlantic City, N.J., serving no intermediate points: From Lewes, Del., across the Delaware Bay via the Lewes, Del.—Cape May, N.J. Ferry, to Cape May Point, N.J., thence over U.S. Highway 9 to junction New Jersey Highway 109, thence over New Jersey Highway 109 to junction Garden State Parkway, thence over Garden State Parkway to junction Atlantic City Expressway, thence over Atlantic City Expressway to Atlantic City, N.J., and return over the same route.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Dover, Del. and Atlantic City, N.J.

No. MC 106120 (Sub-No. 4), filed July 21, 1977. Applicant: BADGER COACHES, INC., 200 West Beltline Highway, Madison, WI 53713. Applicant's representative: Paul C. Gartzke, 121 West Doty Street, Madison, WI 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of: Passengers and their baggage, in charter and special operations, between points in Dane, Jefferson, Waukesha and Milwaukee Counties, Wis., on the one hand, and points in the United States (including Alaska and excluding Hawaii), on the other.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Madison or Milwaukee, Wis.

No. MC 141063 (Sub-No. 3), filed July 19, 1977. Applicant: THE CITY CONTRACT BUS SERVICE, INC., P.O. Box 2182, Jacksonville, FL 32203. Applicant's representative: Archie B. Culbreth, Suite 246, 1252 West Peachtree St. NW., At-

lanta, GA 30309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Passengers who are employees of the Seaboard Coast Line Industries* Family Lines, *and their baggage*, between points along the railroad lines of the Seaboard Coast Line Industries Family Lines in Alabama, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Ohio, South Carolina, Tennessee, Virginia and West Virginia, under a continuing contract or contracts with Seaboard Coast Line Industries.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 143459 (Sub-No. 1) (Correction), filed July 1, 1977, published in the FEDERAL REGISTER issue of August 18, 1977, and republished as corrected this issue. Applicant: ARROW-POCONO LINES, INC., 81–14 Baxter Ave., Elmhurst, N.Y. 11373. Applicant's representative: L. C. Majors, Jr., P.O. Box 11278, Alexandria, Va. 22312. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage, and unaccompanied baggage*, in the same vehicle with passengers, in special and charter limousine operations, between New York, N.Y., points in Nassau and Westchester Counties, N.Y., and points in New Jersey, on the one hand, and, on the other, points in Carbon, Lehigh, Luzerne, Monroe, Northampton, Pike and Wayne Counties, Pa., restricted to the transportation of not more than eleven passengers in any one vehicle, not including the driver.

NOTE.—The purpose of this republication is to indicate the correct authority. If a hearing is deemed necessary, the applicant requests that it be held at either New York, N.Y. or a place subsequently to be selected and arranged for by applicant in the Pocono resort area of the Pennsylvania territory as specified in the application.

No. MC 143508, filed July 25, 1977. Applicant: ASHBOURNE TRANSPORTATION CO., A Corporation, 827 E. Glenside Ave., Wyncote, PA 19117. Applicant's representative: Anthony C. Vance, 1300 Old Chain Bridge Rd., McLean, VA 22101. Authority sought to operate as a *common carrier* by motor vehicle over irregular routes, transporting *passengers and their baggage* in charter operations, beginning and ending at points in Philadelphia County, PA, and extending to points in Delaware and New Jersey.

NOTE.—Common control may be involved. If a hearing is necessary, applicant requests that it be held at Philadelphia, PA.

No. MC 130454 filed July 25, 1977. Applicant: CARTAN TRAVEL BUREAU, INC., One Crossroads of Commerce, Rolling Meadows, Ill. 60008. Applicant's representative: Lawrence J. Latto, 734 Fifteenth St., NW., Washington, D.C. 20005. Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Rolling Meadows, Ill., to sell or offer to sell the transportation of *passengers, and their baggage*, individually and in groups, in special and charter operations, and sightseeing and pleasure tours, by motor vehicle, between points in the United States, including Alaska and Hawaii.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

FINANCE APPLICATIONS

NOTICE

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control through ownership of stock, or rail carriers or motor carriers pursuant to Sections 5(2) or 210a(b) of the Interstate Commerce Act.

An original and two copies of protests against the granting of the requested authority must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice. Such protests shall comply with Special Rules 240(c) or 240(d) of the Commission's General Rules of Practice (49 CFR 1100.240) and shall include a concise statement of protestant's interest in the proceeding. A copy of the protest shall be served concurrently upon applicant's representative, or applicant, if no representative is named.

No. MC–F–13307. Authority sought for purchase by CAMPBELL SIXTY-SIX EXPRESS, INC., P.O. Box 807, Springfield, Mo., 65801, of a portion of the operating rights of McALISTER TRANSFER, INC., 2415 Lincoln Avenue, York, NB., 68467, and for acquisition by F. G. CAMPBELL, individually and as trustee U/A dated 5/22/74 with Commerce Bank of Springfield, MO., also of Springfield, MO., 68501, of control of such rights through the purchase. Applicants' attorneys: Phineas Stevens, P.O. Box 22567, Jackson, MS., 39205, and Donald L. Stern, Suite 530, Univac Bldg., 7100 W. Center Road, Omaha, NB., 68106. Operating rights sought to be transferred: That portion of Certificate MC–60912 authorizing General Commodities, with the usual exceptions, as a common carrier over regular routes, between Omaha, Nebraska and Lincoln, Nebraska, and return over the same route serving no intermediate points and serving the off route point of Council Bluffs, Iowa. The application seeks approval of the acquisition of the described authority through a partial assignment to Campbell Sixty-Six Express, Inc., of a Purchase Agreement between Bee Line Motor Freight, Inc., 1804 Paul Street, Omaha, NB., 68102, and McAllister Transfer, Inc., for the purchase by Bee Line Motor Freight, Inc. of all operating authority of McAllister Transfer, Inc. The Purchase Agreement between Bee Line Motor Freight, Inc. and McAllister Transfer, Inc., is the subject of Section 5 and 210a(b) applications filed and docketed MC–F–13306. The authority sought to be acquired joins with that of Campbell Sixty-Six Express, Inc. at Omaha, Nebraska. Acquisition of the subject authority would authorize operations between Lincoln, Nebraska on the one hand, and, on the other, points served by Campbell Sixty-Six Express, Inc. pursuant to authority issued in MC–75320 and subs thereto, and as operator (in part) of Transamerican Freight Lines, Inc. (MC–F–12713) and Western Gillette, Inc. (MC–F–13157). The authorities of Campbell Sixty-Six Express, Inc. authorized operations in the states of Texas, Oklahoma, Kansas, Nebraska, Iowa, Missouri, Arkansas, Louisiana, Mississippi, Tennessee, Kentucky, Illinois, Wisconsin, Indiana, Ohio, Pennsylvania, New York, Alabama, and Georgia. Approval of this application and the herein noted application of Bee Line Motor Freight, Inc. and McAllister Transfer, Inc. will result in a division of that portion of the certificate of McAllister Transfer, Inc. authorizing the transportation of general commodities, with the usual exceptions over regular routes between Omaha, Nebraska and Grand Island, Nebraska. Application has been filed for temporary authority under section 210a(b).

NOTE.—MC–F–13306 is a directly related matter.

No. MC–F–13309. Authority sought for purchase by CONTINENTAL COAST TRUCKING COMPANY, INC., P.O. Box 26, Holly Ridge, N.C., 28445, of a portion of the operating rights of SECURITY CARRIERS, INC., P.O. Box 3368, Amarillo, TX., 79506, and for acquisition by C. W. FLETCHER and MARY W. FLETCHER, P.O. Box 26, Holly Ridge, N.C., 28445, on control of such rights through the purchase. Applicants' attorney: Roland M. Lowell, 618 United American Bank Bldg., Nashsville, TN. 37219. Operating rights sought to be transferred: Meats, meat products, meat by-products, and articles distributed by meat packinghouses, as described in Sections A and C of Appendix I to the report in Description in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), as a common carrier over irregular routes, from the facilities of Swift Fresh Meats Company at or near Cactus (Moore County), Texas to points in Ohio, West Virginia, Virginia, Maryland, Delaware, New Jersey, New York, Pensylvania, Connecticut, Rhode Island, Vermont, New Hampshire, Massachusetts, Maine and the District of Columbia. Vendee is authorized to operate as a common carrier in Arkansas, Connecticut, the District of Columbia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New York, Ohio, Oklahoma, Pennsylvania, Rhode Island, Tennessee, Texas, Vermont, Virginia, and West Virginia. Application has been filed for temporary authority under section 210a(b).

No. MC–F–13312. Authority sought for purchase by LEWIS TRUCK LINES, INC. Lisbon, N. Dak., 58054, of the operating rights of VERNON MARTELL, Bismarck, N. Dak. 58501, and for acquisition by ROBERT J. LEWIS, Lisbon, N. Dak., 58054, of control of such rights through the purchase. Applicants' attorney: Michael E. Miller, 502 First National Bank Bldg., Fargo, N. Dak. 58102, and

Charles E. Johnson, P.O. Box 1932, Bismarck, N. Dak., 58501. Operating rights sought to be transferred: General commodities, with exceptions, as a common carrier over irregular routes, in interstate or foreign commerce, between points in Emmons County, N. Dak., on the one hand, and, on the other, points in North Dakota, as more fully described in Certificate MC–142235 Issued May 24, 1977. Vendee is authorized to operate as a common carrier in North Dakota, Minnesota and South Dakota. Application has been filed for temporary authority under section 210a(b).

No. MC–F–13314. Authority sought by CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, CA 94025, to purchase a portion of the operating rights of M & M TRANSPORTATION COMPANY, Debtor-in-Possession, 750 Third Avenue, New York, N.Y., 10017, and for acquisition by CONSOLIDATED FREIGHTWAYS, INC., 601 California Street, San Francisco, CA., 94108, of control of such rights through the purchase. Applicant vendee's attorney: E. T. Liipfert, Suite 1000, 1660 L Street, NW., Washington, D.C. 20036; applicant vendor's attorney: William J. Lavelle, 2310 Grant Building, Pittsburgh, PA 15219. Operating rights sought to be purchased: (1) General commodities, with exceptions, as a common carrier over regular routes between Utica, New York, and Malone, New York, as more fully described in Certificate No. MC–69275, Sub-40; (2) General commodities, with exceptions, as a common carrier, over irregular routes, (a) between Oswego, Rochester and Watertown, New York, restricted to transportation moving to, from or through Watertown, New York; (b) between points in Oneida County, New York, on the one hand, and on the other, points in Franklin, Jefferson, Lewis, and St. Lawrence Counties, New York; (c) between points in St. Lawrence County, New York; (d) from points in St. Lawrence County, New York to points in Jefferson County, New York, with no transportation for compensation on return except as otherwise authorized; (e) from points in Franklin, Jefferson, and Lewis Counties, New York, to points in St. Lawrence County, New York, with no transportation for compensation on return except as otherwise authorized; the authority listed above in 2(a) through 2(e) is restricted against the transportation of frozen prepared foods when moving in mixed loads with fish, including shellfish, from Gloucester, Massachusetts, and Boston, Massachusetts, to points in the described area; (3) General commodities, with exceptions, as a common carrier over irregular routes, between points within the municipalities of Boston, Chelsea, Revere, Everett, Malden, Somerville, Medford, Cambridge, Newton and Quincy, and points within the township limits of Winthrop, Watertown, Needham, Denham, Brookline and Milton, Massachusetts, excluding points in the commercial zones beyond the municipal and township limits thereof, on the one hand, and, on the other, points in Maine. The rights listed in Paragraph 3 are embodied in a certificate issued to Nelson Freightways, Inc., in Docket No. MC–60186. Vendor has contracted to purchase these rights from Newson Freightways, Inc., and has received permission from the Commission in Docket MC–F–12440 to operate said rights under temporary authority. Vendor is assigning its rights under its contract to purchase the operating authority listed in Paragraph 3 to vendee. Vendee is authorized to operate as a common carrier in all states except Hawaii pursuant to Certificate No. MC–42487 and related sub numbers thereunder. Application has been filed for temporary authority under section 210a(b).

Abandonment Applications

NOTICE OF FINDINGS

Notice is hereby given pursuant to Section 1a(6)(a) of the Interstate Commerce Act that orders have been entered in the following abandonment applications which are administratively final and which found that subject to conditions the present and future public convenience and necessity permit abandonment.

A Certificate of Abandonment will be issued to the applicant carriers 30 days after this Federal Register publication unless the instructions set forth in the notices are followed.

[Docket No. AB–6 (Sub-No. 42)]

Burlington Northern Inc. Abandonment Between Nifa and West Batavia in Kane County, Ill.

NOTICE OF FINDINGS

Notice is hereby given pursuant to Section 1a(6)(a) of the Interstate Commerce Act (49 U.S.C. 1a(6)(a)) that by an order entered on June 29, 1977, a finding, which is administratively final, was made by the Commission, Commissioner Brown, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in *Chicago, B. & Q. R. Co., Abandonment*, 257 I.C.C. 700, the present and future public convenience and necessity permit the abandonment by the Burlington Northern Inc. of its line of railroad extending from milepost 4.00 near Nifa, Ill., and milepost 7.15 near West Batavia, Ill., a distance of 3.15 miles located in Kane County, Ill. A certificate of abandonment will be issued to the Burlington Northern Inc. based on the above-described finding of abandonment, 30 days after publication of this notice, unless within 30 days from the date of publication, the Commission further finds that:

(1) a financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) it is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the Federal Register on March 31, 1976, at 41 FR 13691. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced order.

[Docket No. AB–10 (Sub-No. 8)]

Norfolk and Western Railway Company Abandonment in the City of Radford, Montgomery County, Virginia

NOTICE OF FINDINGS

Notice is hereby given pursuant to Section 1a(6)(a) of the Interstate Commerce Act (49 U.S.C. 1a(6)(a)) that by an order entered on July 8, 1977, a finding, which is administratively final, was made by the Commission, Commissioner Brown, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in *Chicago, B. & Q. R. Co., Abandonment*, 257 I.C.C. 700, and for public use as set forth in said order, the present and future public convenience and necessity permit the abandonment by the Norfolk and Western Railway Company of a line of railroad extending from milepost 1.77, on the north side of Forest Street Bridge in the City of Radford, Virginia, to the end of the Radford Branch at milepost 4.17, a distance of 2.4 miles, in Montgomery County, Virginia. A certificate of abandonment will be issued to the Norfolk and Western Railway Company based on the above-described finding of abandonment, 30 days after publication of this notice, unless within 30 days from the date of publication, the Commission further finds that:

(1) A financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) It is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the FEDERAL REGISTER on March 31, 1976, at 41 FR 13691. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced order.

[Docket No. AM-36 (Sub-No. 4)]

OREGON SHORT LINE RAILROAD COMPANY ABANDONMENT AND ABANDONMENT OF OPERATIONS BY UNION PACIFIC RAILROAD COMPANY—PORTION OF GRACE BRANCH IN CARIBOU COUNTY, IDAHO

NOTICE OF FINDINGS

Notice is hereby given pursuant to Section 1a(6)(a) of the Interstate Commerce Act (49 U.S.C. 1a(6)(a)) that by an order entered on July 8, 1977, a finding, which is administratively final, was made by the Commission, Commissioner Brown, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in *Chicago, B. & Q. R. Co., Abandonment*, 257 I.C.C. 700, the present and future public convenience and necessity permit the abandonment of the Oregon Short Line Railroad Company and the abandonment of operations by the Union Pacific Railroad Company of a portion of the Grace Branch extending from milepost 5.78 in a southerly direction to milepost 6.91 at the end of the line, a total distance of 1.13 miles, in Caribou County, Idaho. A certificate of abandonment will be issued to the Oregon Short Line Railroad Company and the Union Pacific Railroad Company based on the above-described finding of abandonment, 30 days after publication of this notice, unless within 30 days from the date of publication, the Commission further finds that:

(1) a financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) it is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the FEDERAL REGISTER on March 31, 1976, at 41 FR 13691. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced order.

[Docket No. AB-55 (Sub-No. 8)]

SEABOARD COAST LINE RAILROAD COMPANY ABANDONMENT BETWEEN BRUCE AND PORTSMOUTH IN THE CITIES OF CHESAPEAKE AND PORTSMOUTH, VIRGINIA

NOTICE OF FINDINGS

Notice is hereby given pursuant to Section 1a(6)(a) of the Interstate Commerce Act (49 U.S.C. 1a(6)(a)) that by an order entered on April 29, 1977, a finding, which is administratively final, was made by the Commission, Commissioner Brown, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in *Chicago, B. & Q. R. Co., Abandonment*, 257 I.C.C. 700, the present and future public convenience and necessity permit the abandonment, by the Seaboard Coast Line Railroad Company of a portion of its branch line between milepost AB-230.85 near Bruce, Virginia, and milepost AB-234.73 near Portsmouth, Virginia, a distance of 3.88 miles, 0.21 mile located in the City of Chesapeake, Virginia, and 3.67 miles located in the City of Portsmouth, Virginia. A certificate of abandonment will be issued to the Seaboard Coast Line Railroad Company based on the above-described finding of abandonment, 30 days after publication of this notice, unless within 30 days from the date of publication, the Commission further finds that:

(1) a financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) it is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment; to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the FEDERAL REGISTER on March 31, 1976, at 41 FR 13691. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced order.

MOTOR CARRIER ALTERNATE ROUTES DEVIATIONS

NOTICE

The following letter-notices to operate over deviation routes for operating convenience only have been filed with the Commission under the Deviation Rules—Motor Carrier of Property (49 CFR 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Commission in the manner and form provided in such rules at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of this FEDERAL REGISTER notice.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its request.

MOTOR CARRIERS OF PROPERTY

No. MC 29555 (Deviation No. 19), BRIGGS TRANSPORTATION CO., North 400, Griggs-Midway Bldg., St. Paul, Minn. 55104, filed August 4, 1977. Carrier proposes to operate as a *common*

carrier, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Des Moines, Iowa, over U.S. Highway 65 to junction Interstate Highway 70, thence over Interstate Highway 70 to Kansas City, Mo., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Des Moines, Iowa over U.S. Highway 6 to junction U.S. Highway 275 near Council Bluffs, Iowa, thence over U.S. Highway 275 to junction Iowa Highway 2, thence over Iowa Highway 2 to junction U.S. Highway 71 near Clarinda, Iowa, thence over U.S. Highway 71 to Kansas City, Mo., and return over the same route.

No. MC 30204 (Deviation No. 26), HEMINGWAY TRANSPORT, INC., 438 Dartmouth St., New Bedford, Mass., filed August 5, 1977. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Newark, N.J., over Interstate Highway 78 to junction Interstate Highway 81, thence over Interstate Highway 81 to junction U.S. Highway 22, thence over U.S. Highway 22 to junction U.S. Highway 220, at Duncansville, Pa., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Newark, N.J., over U.S. Highway 22 to junction unnumbered highway, thence over unnumbered highway via Easton, Bethlehem, and Allentown, Pa., to junction U.S. Highway 22, thence over U.S. Highway 22 to Harrisburg, Pa., thence over U.S. Highway 11 to Hagerstown, Md., thence over U.S. Highway 40 to Cumberland, Md., thence over U.S. Highway 220 to Duncansville, Pa., and return over the same route.

No. MC 30504 (Deviation No. 25), TUCKER FREIGHT LINES, INC., P.O. Box 3144, South Bend, Ind. 46619, filed August 2, 1977. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Springfield, Mo., over U.S. Highway 66 to junction Missouri Highway 5, thence over Missouri Highway 5 to junction U.S. Highway 54, thence over U.S. Highway 54 to junction U.S. Highway 63, thence over U.S. Highway 63 to Waterloo, Iowa, and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Springfield, Mo., over U.S. Highway 66 to junction U.S. Highway 71, thence over U.S. Highway 71 to Kansas City, Mo., thence over Alternate U.S. Highway 69 to junction U.S. Highway 69, thence over U.S. Highway 69 to Des Moines, Iowa, thence over U.S. Highway 65 to junction Iowa Highway 330, thence over Iowa Highway 330 to Marshalltown, Iowa, thence over Iowa Highway 14 to junction Iowa Highway 57, thence over Iowa Highway 57 to junction U.S. Highway 20, thence over U.S. Highway 20 to Waterloo, Iowa, and return over the same route.

No. MC 30504 (Deviation No. 26), TUCKER FREIGHT LINES, INC., P.O. Box 3144, South Bend, Ind. 46619, filed August 3, 1977. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Springfield, Mo., over U.S. Highway 66 to junction Missouri Highway 5, thence over Missouri Highway 5 to junction U.S. Highway 54, thence over U.S. Highway 54 to junction U.S. Highway 63, thence over U.S. Highway 63 to junction U.S. Highway 30 near Tama, Iowa, and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Springfield, Mo., over U.S. Highway 66 to junction U.S. Highway 71, thence over U.S. Highway 71 to Kansas City, Mo., thence over Alternate U.S. Highway 69 to junction U.S. Highway 69, thence over U.S. Highway 69 to Des Moines, Iowa, thence over U.S. Highway 65 to junction Iowa Highway 330, thence over Iowa Highway 330 to Marshalltown, Iowa, thence over U.S. Highway 30 to junction U.S. Highway 63 near Tama, Iowa, and return over the same route.

No. MC 30504 (Deviation No. 27), TUCKER FREIGHT LINES, INC., P.O. Box 3144, South Bend, Ind. 46619, filed August 3, 1977. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Cincinnati, Ohio over U.S. Highway 27 to junction U.S. Highway 33, thence over U.S. Highway 33 to junction Indiana Highway 13, thence over Indiana Highway 13 to junction U.S. Highway 131 and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Cincinnati, Ohio over U.S. Highway 52 to junction U.S. Highway 31, thence over U.S. Highway 31 to junction U.S. Highway 33, thence over U.S. Highway 33 to junction Indiana Highway 120, thence over Indiana Highway 120 to junction Indiana Highway 15, thence over Indiana Highway 15 to junction Michigan Highway 103, thence over Michigan Highway 103 to junction U.S. Highway 131, and return over the same route.

No. MC 41432 (Deviation No. 29), EAST TEXAS MOTOR FREIGHT LINES, INC., 2355 Stemmons Freeway, P.O. Box 10125, Dallas, Tex. 75207, filed August 8, 1977. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Jacksonville, Tex., over U.S. Highway 79 to Rockdale, Tex., thence over U.S. Highway 77 to Hallettsville, Tex., thence over Alternate U.S. Highway 90 to Seguin, Tex., (2) From Jacksonville, Tex., over U.S. Highway 79 to Rockdale, Tex., thence over U.S. Highway 77 to Hallettsville, Tex., thence over Alternate U.S. Highway 90 to Seguin, Tex., thence over Texas Highway 46 to New Braunfels, Tex., and (3) From Jacksonville, Tex., over U.S. Highway 79 to Rockdale, Tex., thence over U.S. Highway 77 to Hallettsville, Tex., thence over Alternate U.S. Highway 90 to Seguin, Tex., thence over Texas Highway 123 to San Marcos, Tex., and return over the same routes for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Jacksonville, Tex., over U.S. Highway 69 to Alto, Tex., thence over Texas Highway 21 to Crockett, Tex., thence over U.S. Highway 287 to Corrigan, Tex., thence over U.S. Highway 59 to Houston, Tex., thence over U.S. Highway 90 to San Antonio, Tex., thence over U.S. Highway 81 to San Marcos, Tex., and return over the same route.

No. MC 56640 (Deviation No. 3), DELTA LINES, INC., P.O. Box 2081, Oakland, Calif. 94604, filed July 14, 1977. Carrier's representative: Marshall Berol, 601 Calif. St., San Francisco, Calif. 94108. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From junction Interstate Highway 5 and California Highway 89 over California Highway 89 to junction California Highway 44, thence over California Highway 44 to junction California Highway 36, (2) From junction Interstate Highway 5 and California Highway 89 over California Highway 89 to junction California Highway 36, and (3) From junction Interstate Highway 5 and California Highway 44 over California Highway 44 to junction California Highway 36 and return over the same routes for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Mt. Shasta, Calif., over Interstate Highway 5 (formerly U.S. Highway 99) to Red Bluff, Calif., thence over California Highway 99 to junction California Highway 36, thence over California Highway 36 to Susanville, Calif., and return over the same route.

No. MC 65916 (Deviation No. 3), WARD TRUCKING CORP., Ward Tower, 2nd Ave. and 7th St., Greenwood, Altoona, Pa. 16603, filed August 2, 1977. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Blairsville, Pa., over U.S. Highway 22 to Murrysville, Pa., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent serv-

ice route as follows: From Blairsville, Pa., over U.S. Highway 119 to junction U.S. Highway 322 near DuBois, Pa., thence over U.S. Highway 322 to junction Interstate Highway 80, thence over Interstate Highway 80 to junction Pennsylvania Highway 18, thence over Pennsylvania Highway 18 to Rochester, Pa., thence over unnumbered highway via Aliquippa, Pa., to Sewickley, Pa., thence over Pennsylvania Highway 65 to Pittsburgh, Pa., thence over U.S. Highway 22 to Murrysville, Pa., and return over the same route.

MOTOR CARRIER ALTERNATE ROUTE DEVIATIONS

NOTICE

The following letter-notices to operate over deviation routes for operating convenience only have been filed with the Commission under the Deviation Rules—Motor Carrier of Passengers (49 CFR 1042.(c)(9)).

Protests against the use of any proposed deviation route herein described may be filed with the Commission in the manner and form provided in such rules at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of this FEDERAL REGISTER notice.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its request.

MOTOR CARRIERS OF PASSENGERS

No. MC 109780 (Deviation No. 48), CONTINENTAL TRAILWAYS, 1505 S. Central Ave., Los Angeles, Calif. 90021, filed August 10, 1977. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, over a deviation route as follows: From Seligman, Ariz., over Interstate Highway 40 to Kingman, Ariz., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: From Seligman, Ariz., over U.S. Highway 66 to Kingman, Ariz., and return over the same route.

MOTOR CARRIER INTRASTATE APPLICATION(S)

NOTICE

The following application(s) for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to Section 206(a)(6) of the Interstate Commerce Act. These applications are governed by Special Rule 245 of the Commission's General Rules of Practice (49 CFR 1100.245), which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

Maine Docket No. X-23 filed August 10, 1977. Applicant: THIBEAULT EXPRESS, INC., Turner St., Brunswick, Maine 04011. Certificate of Public Convenience and Necessity sought to operate a freight service follows: Transportation of *General commodities* and provide for the interlining of shipments with carriers whose terminals are located in Scarboro, Maine, with respect to A-1 through A-3 below: A-1 From Portland-South Portland, Maine, to Bath and Lisbon, Maine as follows: Between Lisbon and Brunswick, Maine including Lisbon, Lisbon Center, Lisbon Falls, Pejepscot, Topsham, Bath, and Brunswick, serving to and/or from all points. A-2 from or to Freeport, Yarmouth and Portland, South Portland, Maine with only such freight as is shipped from or destined to points Lisbon to Brunswick inclusive as listed above. A-3 between Brunswick and Harpswell, Maine passing through and serving Great Island, Cundy's Harbor, Orr's Island and Bailey Island, Maine. Intrastate, interstate and foreign commerce authority. Hearing: Date, time and place not yet fixed. Requests for procedural information should be addressed to the Maine Public Utilities Commission, State House Annex, Capitol Shopping Center, Augusta, Maine 04333 and should not be directed to the Interstate Commerce Commission.

Maine Docket No. X-71 filed August 15, 1977. Applicant: DUGAS EXPRESS CO., 101 Knox St., Lewiston, Maine 04240. Certificate of Public Convenience and Necessity sought to operate as a *common carrier*, from Portland-South Portland, Maine, to Lewiston, Maine, passing through and serving with pickup and delivery service in both directions, the following points: Lewiston, Auburn, Danville Junction, Gray, New Gloucester, Upper Gloucester, West Falmouth, Portland, and South Portland.

NOTE.—Applicant proposes to provide for the interlining of shipments with carriers whose terminals are located in Scarboro, and Biddeford, Maine with respect to authority above. Intrastate, interstate and foreign commerce authority sought. Hearing: Date, time and place not yet fixed. Requests for procedural information should be addressed to the Maine Public Utilities Commission, State House Annex, Capitol Shopping Center, Augusta, Maine 04333 and should not be directed to the Interstate Commerce Commission.

Maine Docket No. X-256 filed August 15, 1977. Applicant: FOGG & JORDAN, INC., doing business as, MERRILL'S EXPRESS, 16 Allen Ave. Extension, Falmouth, Maine 04105. Applicant's representative: John G. Feehan, One Canal Plaza, Portland, Maine 04101. Certificate of Public Convenience and Necessity sought to operate as a *common carrier* as follows: A-1 Portland-South Portland, Maine, to Pownal, Maine, handling freight to and or from Portland-South Portland, Cumberland Center, Cumberland Junction, North Falmouth, North Pownal, Pownal Center, North Yarmouth, Walnut Hill, West Cumberland, and West Pownal, Maine; A-2 Irregular Routes, Household goods, between points in Portland, Maine, and between said points on the one hand, and, points in Maine, on the other hand, and Scarborough, Maine, restricted to the interlining of freight only. Intrastate, interstate and foreign commerce authority sought. Hearing: Date, time and place not yet fixed. Requests for procedural information should be addresed to the Maine Public Utilities Commission, State House Annex, Capitol Shopping Center, Augusta, Maine 04333 and should not be directed to the Interstate Commerce Commission.

By the Commission.

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

[FR Doc.77-25329 Filed 8-31-77;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

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

TIME AND DATE: 9:30 a.m. (Eastern Time), Thursday, September 1, 1977.

PLACE: Chairman's Conference Room, No. 5240, on the fifth floor of the Columbia Plaza Office Building, 2401 E Street NW., Washington, D.C. 20506.

STATUS: Open to the public.

MATTER TO BE CONSIDERED:

Veterans Preference Act; Suggested Amendments

In response to a request from the General Accounting Office, the Commission will consider its position on proposals to change current laws concerning certain employment preference given to veterans.

A majority of the entire membership of the Commission determined by a recorded vote that the business of the Commission requires that this meeting be held in order to provide a timely response to the General Accounting Office, and that no earlier annuoncement was possible.

The vote was as follows: In favor of change:

Eleanor Holmes Norton, Chair
Ethel Bent Walsh, Commissioner
Daniel E. Leach, Commissioner

Opposed: None.

CONTACT PERSON FOR MORE INFORMATION:

Marie D. Wilson, Executive Officer, Executive Secretariat, at (202) 634–6748.

This Notice Issued August 29, 1977.

[S–1209–77 Filed 8–30–77;9:10 am]

2

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: 42 FR 43176, August 26, 1977.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10:00 a.m., Wednesday, August 31, 1977.

CHANGES IN THE MEETING: Addition of the following closed item to the meeting:

Proposed increase in annuities for Board Plan retirees and survivor annuitants.

This item will follow consideration of the following announced open items:

1. Issues related to simplication of the advertising and open end credit provisions of the Truth in Lending Act.
2. Postponement of the effective date of the descriptive billing requirements of Regulation Z (Truth in Lending) relating to cash advance checks.
3. Possible amendments to (a) Regulation H (Membership of State Banking Institutions in the Federal Reserve System) to require that State member banks, or subsidiaries, that are registered clearing agencies must file notice with the Board of all final disciplinary sanctions imposed by them on firms participating in the operations of the clearing agency, and (b) Regulation H and Regulation Y (Bank Holding Companies), pursuant to requirements of the Securities Exchange Act, to establish procedures for requesting stays and review by the Board of disciplinary sanctions and denials of participation imposed by bank clearing agencies. (Proposed earlier for public comment; Docket No. R–0042).
4. Proposed amendments to the Board's Rules Regarding Delegation of Authority, concerning approval of certain categories of foreign branch applications.
5. Report to the Federal Deposit Insurance Corporation regarding the competitive factors involved in the proposed merger of The First National Bank of Canton, Canton, Mississippi, with The Mississippi Bank, Jackson, Mississippi.
6. Any agenda items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Joseph R. Coyne, Assistant to the Board, (202–452–3204).

Dated: August 30, 1977.

THEODORE E. ALLISON,
Secretary of the Board.

[S–1211–77 Filed 8–30–77;10:00 am]

3

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.

TIME AND DATE: 10:00 a.m., Tuesday, September 6, 1977. The closed portion of the meeting will commence at the conclusion of the open discussion.

PLACE: 20th Street and Constitution Avenue, NW., Washington, D.C. 20551.

STATUS: Part of the meeting will be open; part will be closed.

MATTERS TO BE CONSIDERED:

Open portion:

1. Proposed acquisition of computer equipment at the Federal Reserve Bank of St. Louis.
2. Proposal to purchase property and construct an addition at the Omaha Branch of the Federal Reserve Bank of Kansas City.
3. Proposal to operate an automated clearing house at Little Rock, Arkansas.
4. Any agenda items carried forward from a previously announced meeting.

Closed portion:

1. Proposed renovations to the Federal Reserve Bank of Kansas City building.
2. Proposed property acquisition at the New Orleans Branch of the Federal Reserve Bank of Atlanta.
3. Any agenda items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Joseph R. Coyne, Assistant to the Board: (202–452–3204).

Dated: August 29, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[S–1207–77 Filed 8–29–77;2:15 pm]

4

NATIONAL TRANSPORTATION SAFETY BOARD.

TIME AND DATE: 9:30 a.m., Thursday, September 8, 1977. [NM–77–27].

PLACE: NTSB Board Room, National Transportation Safety Board, 800 Independence Avenue, SW., Washington, D.C. 20594.

STATUS: The first item on the agenda will be open to the public; the second item will be closed to the public.

MATTERS TO BE CONSIDERED:

1. *Discussion.*—Closeout of Safety Recommendations A–72–3, A–75–80, A–77–7, and R–73–11.
2. *Discussion.*—Staff processing of safety recommendations following a major accident.

CONTACT PERSON FOR MORE INFORMATION:

Sharon Flemming, (202–755–4930).

[S–1210–77 Filed 8–30–77;9:10 am]

5

NUCLEAR REGULATORY COMMISSION.

Meetings during the week of August 22, 1977 (Change Notice).

APPROVAL: By unanimous vote on August 24, 1977, the Commission determined pursuant to 5 U.S.C. 552b(e)(1) and § 9.107(a) of the Commission's Rules that Commission business requires that these agenda items be held on less than one week's notice to the public. The need for the meetings did not arise until August 24 and immediate discussion is required because timely consideration of issues requires meeting at this time.

On August 24, 1977, the Nuclear Regulatory Commission (all members participating) voted unanimously to close the second meeting:

MEETINGS: FRIDAY, AUGUST 26, 9:00 a.m.:

1. Request by Carolina Power & Light Company to Store Spent Fuel Discharged from the H. B. Robinson Reactor at Branswick Units 1 and 2 and to Have Such Storage Indemnified. (Open.)
2. Discussion of Personnel Matter. (Closed-Exemption 6.) The meeting will be to discuss a personnel matter.

ATTENDANCE: At the Closed Meeting will be Commissioners only.

PLACE: Commissioners' Conference Room, 1717 H St., NW., Washington, D.C.

CONTACT PERSON FOR MORE INFORMATION:

Walter Magee, Office of the Secretary, telephone 202–634–1410.

Dated: August 25, 1977.

WALTER MAGEE,
Chif, Operations Branch,
Office of the Secretary.

[S–1204–77 Filed 8–26–77;10:54 am]

6

NUCLEAR REGULATORY COMMISSION.

TIME AND DATE: Friday, August 26, 1977.

PLACE: Commissioners' Conference Room, 1717 H St., NW., Washington, D.C.

STATUS: Open/Closed (Additional Items).

MATTERS TO BE CONSIDERED:

9:00 a.m.:
1. Request by Carolina Power & Light Company to Store Spent Fuel Discharged from the H. B. Robinson Reactor at Brunswick Units 1 and 2 and to Have Such Storage Indemnified. (Open.)
2. Discussion of Draft Administration Bill for Nuclear Plant Licensing Reform (continuation of 8/24 meeting). (Closed-Exemption 9.)
3. Discussion of Personnel Matter. (Closed-Exemption 6.)

11:30 a.m.:
Briefing on Pending ALAB Reviews (continuation of 8/24 meeting). (Closed-Exemption 10.)

CONTACT PERSON FOR MORE INFORMATION:

Walter Magee (202–634–1410).

WALTER MAGEE,
Chief, Operations Branch,
Office of the Secretary.

AUGUST 25, 1977.

[S–1203–77 Filed 8–26–77;10:54 am]

7

SECURITIES AND EXCHANGE COMMISSION.

TIME AND DATE: August 29, 1977, 11:00 a.m.

PLACE: Room 825, 500 North Capitol Street, Washington, D.C.

STATUS: Closed meeting.

SUBJECT MATTER:

Consideration of litigation matter.

Chairman Williams, Commissioners Loomis, Evans, and Pollack voted to close the meeting and determined that no earlier notice thereof was possible.

AUGUST 29, 1977.

[S–1208–77 Filed 8–29–77;2:50 pm]

8

FEDERAL DEPOSIT INSURANCE CORPORATION.

TIME AND DATE: 10:30 a.m., September 6, 1977.

PLACE: Room 6135, FDIC Building, 530 17th Street, NW., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Request pursuant to section 19 of the Federal Deposit Insurance Act for the Corporation's consent to service of a person convicted of an offense involving dishonesty or a breach of trust as a director, officer, or employee of an insured bank:

Name of person and of bank authorized to be exempt from disclosure pursuant to the provisions of subsection (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. (c)(6)).

Recommendations regarding the liquidation of assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 43,167–1—International City Bank and Trust Company New Orleans, Louisiana.

Case No. 43,169–1—First State Bank of Northern California San Leandro, California.

Case No. 43,173–NR—United States National Bank San Diego, California.

Case No. 43,174–1—First State Bank of Northern California San Leandro, California.

Case No. 43,176–SR—Sharpstown State Bank Houston, Texas.

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.:

Names of employees authorized to be exempt from disclosure pursuant to the provisions of subsection (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6)).

CONTACT PERSON FOR MORE INFORMATION:

Alan R. Miller, Executive Secretary, (202–389–4446).

[S–1214–77 Filed 8–30–77; 2:46 pm]

9

FEDERAL COMMUNICATIONS COMMISSION.

TIME AND DATE: 9:30 a.m., Wednesday, August 31, 1977.

PLACE: Room 856, 1919 M Street, NW., Washington, D.C.

STATUS: Open Commission Meeting!

MATTERS TO BE CONSIDERED:

Agenda, Item No., and Subject

General—1—Request for oral argument filed by American Radio Relay League, Inc., in the proceeding concerning marketing of external frequency amplifiers (Docket No. 21116).

General—2—Request for oral argument filed by American Radio Relay League, Inc., in the proceeding concerning type acceptance of equipment marketed for use in the Amateur Radio Service (Docket No. 21117).

General—3—International radiotelephone and radiotelegraph regulations for fishing vessels: Draft of (IMCO) Convention on Safety of Fishing Vessels (Docket No. 20122).

General—4—Zero-Based Budgeting—Commission-wide Priorities.

Common Carrier—1—Notice of Proposed Rule Making relating to amendment of Annual Report Forms M for telephone companies, O for wire-telegraph and ocean-cable carriers and R for radiotelegraph carriers (RM–2765).

Common Carrier—2—Request filed on June 21, 1977 by Carpenter Radio that the Commission furnish it hearing transcripts without charge (Docket No. 21256).

Cable Television—1—Petition for special relief filed by Lower Bucks Cablevision, Inc., operator of a cable television system serving discrete areas of Bristol Borough, Bristol Township and Middletown Township, Pennsylvania.

Cable Television—2—Application[s] for Certificate[s] of Compliance (CAC–6504–6509), filed by Mid-Hudson Cablevision, Inc., operator of existing cable systems at the Village and Town of Catskill, the Village and Town of Athens, City of Hudson, and Town of Greenport, New York.

Assignment of License and Transfer of Control—1—Application for consent to voluntary transfer of control of Westport Television, Inc., licensee of UHF station KBMA-TV, Kansas City, Missouri, from Benno C. Schmidt and BMA Properties, Inc., to Scripps-Howard Broadcasting Company (BTC-8303).

Renewal—1—Petition to deny, filed by Vincent L. Hoffart against the pending broadcast license renewal applications of Dena Pictures, Inc. and Alexander Broadcasting Co., d.b.a. Kaye-Smith Enterprises, for Stations WUBE and WUBE-FM, Cincinnati Ohio (BR-278, BRH-471).

Complaints and Compliance—1—Petition for reconsideration, filed May 31, 1977, by Musical Heights, Inc., licensee of station WZYQ-FM, Braddock Heights, Maryland, of a Commission By Direction letter granting a short-term license renewal to radio station WZYQ-FM (BRH-2761).

CONTACT PERSON FOR MORE INFORMATION:

Samuel M. Sharkey, FCC Public Information Officer, telephone 202-632-7260.

Issued: August 24, 1977.

[S-1199-77 Filed 8-26-77;4:52 pm]

10

FEDERAL DEPOSIT INSURANCE CORPORATION.

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 11:00 a.m. on Tuesday, September 6, 1977, the Federal Deposit Insurance Corporation's Board of Directors will meet in open session to consider the following matters:

Disposition of minutes of previous meetings

Applications for Federal deposit insurance:

The Peoples Commercial Bank, to be located at 73 Troy Road, East Greenbush, New York, for Federal deposit insurance.

Brighton Bank, to be located at 7101 South 2000 East, Salt Lake City, Utah, for Federal deposit insurance.

Northern Hancock Bank & Trust Co., to be located at Third and Washington Streets, Newell, West Virginia, for Federal deposit insurance.

Applications for consent to establish branches:

The Citizens Savings Bank, Ithaca, New York, for consent to establish branches within the Pyramid Mall, 40 Catherwood Road, Village of Lansing, Ithaca, New York, and within the East Hill Plaza Shopping Center, corner of Judd Falls Road and Ellis Hollow Road, Town of Ithaca, New York.

Richmond County Savings Bank, West New Brighton, New York, for consent to establish a branch at 132 Avenue U, southwest corner of West 8th Street, New York (Brooklyn), New York.

Requests for extensions of time in which to establish branches:

The Arizona Bank, Phoenix, Arizona, for an extension of time to February 1, 1978 in which to establish a branch at Southern Avenue and Longmore Drive, Mesa, Arizona.

Bank of Mt. Juliet, Mount Juliet, Tennessee, for an extension of time to September 17, 1978 in which to establish a branch at the intersection of Route 3, South Mount Juliet Road and Interstate 40, Mount Juliet, Tennessee.

Application for consent to establish three remote service facilities (electronic branches):

Niagara County Savings Bank, Niagara Falls, New York, for consent to establish remote service facilities (electronic branches) in Super Duper Supermarkets at 3185 Southwestern Boulevard (Unincorporated Area), Orchard Park, New York, and at 123 Grey Street, East Aurora, New York, and in Sample, Incorporated, at 1631 Hertel Avenue, Buffalo, New York.

Recommendation regarding the liquidation of assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Memorandum re: American Bank & Trust Company, New York, New York.

Recommendations with respect to payment for legal services rendered and expenses incurred in connection with receivership and liquidation activities:

Powell, Goldstein, Frazer & Murphy, Atlanta, Georgia, in connection with the liquidation of The Hamilton Bank and Trust Company, Atlanta, Georgia.

Mize, Thompson & Blass, Gulfport, Mississippi, in connection with the liquidation of International City Bank and Trust Company, New Orleans, Louisiana.

Sullivan & Worcester, Boston, Massachusetts, in connection with the receivership of Surety Bank and Trust Company, Wakefield, Massachusetts.

Patterson & Patterson, Whitfield, Manikoff and White, Bloomfield Hills, Michigan, in connection with the receivership of Birmingham Bloomfield Bank, Birmingham, Michigan.

Mize, Thompson & Blass, Gulfport, Mississippi, in connection with the liquidation of Bank of Picayune, Picayune, Mississippi.

Parsons, Canzona, Blair & Warren, Red Bank, New Jersey, in connection with the liquidation of The Bank of Bloomfield, Bloomfield, New Jersey.

Hughes, Hubbard & Reed, New York, New York, in connection with the liquidation of Franklin National Bank, New York, New York.

Strasburger & Price, Dallas, Texas, in connection with the liquidation of The Hamilton National Bank of Chattanooga, Chattanooga, Tennessee.

Miller & Martin, Chattanooga, Tennessee, in connection with the liquidation of The Hamilton National Bank of Chattanooga, Chattanooga, Tennessee.

Recommendation with respect to the amendment of Corporation rules and regulations:

Memorandum and resolution proposing the final adoption of amendments to Part 303 of the Corporation's rules and regulations, entitled "Applications, Requests and Submittals," so as to include applications for mergers or assumption transactions within the current procedures applied to all other application proceedings.

Reports of committees and officers:

Minutes of the actions approved by the Committee on Liquidations, Loans and Purchases of Assets pursuant to authority delegated by the Board of Directors.

Report of the Executive Secretary regarding the transmittal of "no significant effect" competitive factor reports.

Reports of the Director of the Division of Bank Supervision with respect to applications or requests approved by him and the various Regional Directors pursuant to authority delegated by the Board of Directors.

Report of the Division of Liquidation, for the period June 16, 1977-August 16, 1977, detailing all disbursements in excess of $10,000 and all sales of real estate properties in connection with the liquidation of The Hamilton National Bank of Chattanooga, Chattanooga, Tennessee, pursuant to authority delegated by the Board of Directors.

Reports with respect to security transactions authorized by the Chairman.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, NW., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Alan R. Miller, Executive Secretary of the Corporation, at (202) 389-4446.

Dated: August 30, 1977.

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

[S-1221-77 Filed 8-30-77;3:45 pm]

11

FEDERAL DEPOSIT INSURANCE CORPORATION.

FEDERAL DEPOSIT INSURANCE

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 10:45 a.m. on Tuesday, September 6, 1977, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, by authority of section 552b(d)(4), (c)(4), (c)(8), (c)(9)(A)(ii), and (c)(10) of title 5, United States Code, to consider the following matters:

Application of proposed bank for Federal deposit insurance coincident with conversion of a savings and loan association into a mutual savings bank:

Capital Mutual Savings Bank, Olympia, Washington, for Federal deposit insurance.

Applications for consent to establish branches:

First Marine Bank & Trust Company of the Palm Beaches, Riviera Beach, Florida, for consent to establish a branch at 1201 East Blue Heron Boulevard, Riviera Beach, Florida.

North Conway Bank, North Conway, New Hampshire, for consent to establish a branch at Route 16, Bartlett (Glen), New Hampshire.

North New York Savings Bank, White Plains, New York, for consent to establish a branch at 120 North Village Avenue, Village of Rockville Centre, New York.

Application for consent to move a branch:

Banco Credito y Ahorro Ponceno, Ponce, Puerto Rico, for consent to move a branch from the corner of Calle Patriota Pozo and Calle Juan Ramon Velez to the corner of Calle Patriota Pozo and Carretera No. 2, Manati, Puerto Rico.

Applications for consent to merge and establish branches:

First Bank and Trust, Boynton Beach, Florida, an insured State nonmember bank, for consent to merge under its charter, and with the title "First Bank and Trust, Palm Beach County," with First Bank, Delray Beach, Florida, Delray Beach, Florida, and First Bank West, Palm Beach County (P.O. Lake Worth), Florida, also insured State nonmember banks, and to establish the two offices of First Bank, Delray Beach, Florida and the sole office of First Bank West as branches of the resultant bank.

Southern Bank and Trust Company, Greenville, South Carolina, an insured State nonmember bank, for consent to merge under its charter and title with Morgan Bank and Trust, Spartanburg, South Carolina, also an insured State nonmember bank, and to establish the two offices of Morgan Bank and Trust as branches of the resultant bank.

Recommendations regarding the liquidation of assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 43,156–L—Reserves for Losses and Allotments for Insurance Expenses.

Case No. 43,165–L—Franklin National Bank, New York, New York.

Case No. 43,166–L—Northeast Bank of Houston, Houston, Texas.

Case No. 43,171–SR—American Bank & Trust Company, New York, New York.

Case No. 43,172–NR—United States National Bank, San Diego, California.

Case No. 43,175–NR—United States National Bank, San Diego, California.

Case No. 43,178–SR—Sharpstown State Bank, Houston, Texas.

Case No. 43,180–L—The Hamilton National Bank of Chattanooga, Chattanooga, Tennessee.

Recommendation with respect to payment for legal services rendered and expenses incurred in connection with receivership and liquidation activities:

Pryor, Cashman, Sherman and Flynn, New York, New York, in connection with the receivership of American Bank & Trust Company, New York, New York.

Recommendations with respect to the initiation or termination of cease-and-desist proceedings or termination-of-insurance proceedings against certain insured banks:

Names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c) (8), (c) (9) (A) (ii), and (c) (10) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c) (8), (c) (9) (A) (ii), and (c) (10)).

The meeting will be held in Room 6135 of the FDIC Building located at 550 17th Street NW., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Alan R. Miller, Executive Secretary of the Corporation, at (202) 389–4446.

Dated: August 30, 1977.

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

[S-1220-77 Filed 8-30-77;3:46 pm]

12

NUCLEAR REGULATORY COMMISSION.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: August 29, 1977 (42 FR 43475).

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: Thursday, September 1.

CHANGES IN THE MEETING:

9:00 a.m.:

1. Discussion of Personnel Matter (Closed-Exemption 6) (Continuation of 8/26 meeting; replaces Budget Markup Meeting which is cancelled).
2. Discussion of Draft Administration Bill for Nuclear Plant Licensing Reform (Closed—Exemption 9) (As Announced) (Note.—8/26 meeting on this not held).

2:00 p.m.:

Briefing on Physical Search Requirements (Open/Closed status to be determined).

Dated: August 31, 1977.

WALTER MAGEE,
Chief Operations Branch,
Office of the Secretary.

[S-1223-77 Filed 8-31-77;11:33 am]

Federal Register

THURSDAY, SEPTEMBER 1, 1977

PART II

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

■

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Base Flood Elevation Determinations for Various Communities

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

[24 CFR Part 1917]

[Docket No. FI-3218]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for City of Sunnyvale, Calif.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elecations (100-year flood) listed below for selected locations in the City of Sunnyvale, Calif. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at City Hall, 456 West Olive Street, Sunnyvale, California.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor Donald Logan, City Hall, P.O. Box 607, 456 West Olive Street, Sunnyvale, California 94088.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevation (100-year flood) for the City of Sunnyvale, California, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Calabazas Creek	Mountain View-Alviso Rd.	8
	Bayshore Freeway	18
	Central Expressway	37
	Southern Pacific RR.	47
	Lochinvar Ave.	128
Sunnyvale East Channel.	Caribbean Dr.	8
	Mountain View-Alviso Rd.	11
	Ahwanee Ave.	25
	Wolfe Rd.	45
	Kifer Rd.	62
	Southern Pacific RR.	74
	Iris Ave.	109
	Dunholme Way	163
Sunnyvale West	Caribbean Dr.	8
	Mathilda Ave.	13
	Mountain View-Alviso Rd.	24
	Bayshore Freeway	26

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: July 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-24703 Filed 8-31-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-3219]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for City of Belle Glade, Fla.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the City of Belle Glade, Fla. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at City Hall, 110 Southwest Avenue East, Belle Glade, Fla.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor W. R. Kirk, City Hall, 110 Southwest Avenue East, Belle Glade, Fla. 33430.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of Belle Glade, Fla., in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Lake Okeechobee	Land lake way of Hoover Dike.	25

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2887, January 24, 1974).)

Issued: July 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-24704 Filed 8-31-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-3220]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for Town of Briny Breezes, Fla.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the Town of Briny Breezes, Fla. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at Town Hall-Briny Breezes, 5000 North Ocean Boulevard, Boynton Beach, Fla.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor Hugh David, Town Hall-Briny Breezes, 5000 North Ocean Boulevard, Boynton Beach, Fla. 33435.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or toll free line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the Town of Briny Breezes, Fla., in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Intracoastal waterway at coast.	Marina Way and Dock Dr.	7
	West end of North and South Heron Dr.	7
	West end of Mallard Dr.	7
Inland	Bayan Blvd. and Cardinal Dr.	7
	Bayan Blvd. and Flamingo Dr.	7
	Bayan Blvd. and Mallard Dr.	7
Atlantic Ocean	Shoreline north and south corporate limits.	7

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 4, 1974).)

Issued: July 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-24705 Filed 8-31-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-3221]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for Town of Cloud Lake, Fla.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the Town of Cloud Lake, Fla. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at Town Hall, 1 Lang Road, Cloud Lake, Fla.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor Brooks Cagle, Town Hall, 1 Lang Road, Cloud Lake, Fla. 33406.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or toll free line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the Town of Cloud Lake, Fla., in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Rainfall and ponding.	Lang Rd.	12

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: July 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-24706 Filed 8-31-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-3222]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for Town of Hypoluxo, Fla.

AGENCY: Federal Insurance Administrator, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the Town of Hypoluxo, Fla. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at Town Hall, 7450 South U.S. Highway 1, Hypoluxo, Fla.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor John H. Cook, Town Hall, 7450 South U.S. Highway 1, Hypoluxo, Fla. 33462.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or toll free line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the Town of Hypoluxo, Fla., in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Lake Worth at coast.	East end of Park Lane East.	7
Inland	Neptune Dr.	7

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: July 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-24707 Filed 8-31-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-3223]

NATIONAL FL OD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for City of Pahokee, Fla.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the City of Pahokee, Fla. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at City Hall, 171 North Lake Avenue, Pahokee, Fla.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor Duncan Padgett, City Hall, 171 North Lake Avenue, Pahokee, Fla. 33476.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or toll free line 800–424–8872, room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of Pahokee, Florida, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Lake Okeechobee...	Stuckey Rd.[1]	23
	Rock Pit Rd.[1]	23
	Kismet Ave.[1]	23
	Juniper Ave.[1]	23

[1] Extended.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: July 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-24708 Filed 8-31-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-3224]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for Village of Rosemont, Cook County, Ill.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed

base flood elevations (100-year flood) listed below for selected locations in the Village of Rosemont, Cook County, Illinois. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review on the Bulletin Board in the Mayor's Office, 9301 West Bryn Mawr Avenue, Rosemont.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor Dan E. Stephens, 9301 West Bryn Mawr Avenue, Rosemont, Ill. 60018.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or toll free line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the Village of Rosemont, Cook County, Illinois in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Des Plaines River	Downstream corporate limits	606
	Kennedy Expressway (downstream crossing)	623
	Kennedy Expressway (upstream crossing)	623
	Higgins Rd	627
	Upstream corporate limits	628
	Devon	628
Willow Creek	Downstream corporate limits	627
	River Rd	630
	Northwest Tollway	631
	Interstate 294	631
	Ruby St	631
	Route 72	638
	Sco Line Dr	640
	Orchard Dr	640
	Route 45	641
	Lee St	643
	Upstream corporate limits	643

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S..C 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: July 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-24709 Filed 8-31-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-3225]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for Township of Park, Mich.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the Township of Park, Michigan. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at Township Hall, 1464 Ottowa Beach Road, Holland, Mich.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mr. E. J. Van Wieren, Park Township Supervisor, Township Hall, 1464 Ottowa Beach Road, Holland, Mich. 49423.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or toll free line 800–424–8872, room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the Township of Park, Michigan, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The proposed 100-year flood elevations for selected actions are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Pine Creek	Ottawa Beach Rd	583
	West Lakewood Blvd	586
	James St	590

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: July 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-24710 Filed 8-31-77;8:45 am]

[24 CFR Part 1917]

[Docket No: FI-3226]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for Township of Whitney, Mich.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the Township of Whitney, Mich. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at Whitney Township Hall, Au Gres, Mich.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mr. Ken W. Fox, Township Supervisor, Township of Whitney, North U.S. 23, Au Gres, Mich.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or toll free line 800–424–8872, room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the Township of Whitney, Michigan, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Saginaw Bay	Along the shoreline	584

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: July 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-24711 Filed 8-31-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-3227]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for City of Plymouth, Minn.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the City of Plymouth, Minn. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showed the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at City Hall, 3025 Harbor Lane, Plymouth, Minn.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediatley notify Mayor Al Hilde, Jr., City Hall, 3025 Harbor Lane, Plymouth, Minn. 55441.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or toll free line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of Plymouth, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 43 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Bassett Creek	County and State Aid Highway 18.	837
	Exit ramp	838
	Minnesota Highway 55.	838
	Entrance ramp	838
	6th Ave	838
	Chicago & Northwestern RR.	839
	South Shore Dr	839
Plymouth Creek	Medicine Lake Rd	891
	26th Ave	923
	Xenium Ave	931
	Interstate Highway 494.	937
	Fernbrook Lane	949
	Field crossing	954
	do	957
	Vicksburg Lane	963
	Dunkirk Lane	980
	Minnesota Highway 55.	991

(National Flood Act of 1968 (Title XIII of Housing and Urban Development Act of 1968, effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: July 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-24712 Filed 8-31-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-3228]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for Carroll County, Miss.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in Carroll County, Miss. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at Carroll County Courthouse, Carrollton, Miss.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mr. George W. Galey, President, Board of County Supervisors, Carroll County Courthouse, c/o Chancery Clerk' Office, Carrollton, Miss. 38917.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or toll free line 800–424–8872, Room 5270, 451 Ceventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for Carroll County, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Yazoo River	County road	126
	do	125
Big Sand Creek (near McCarley).	Upstream McCarley Rd.	255
	Downstream McCarley Rd.	234
Big Sand Creek (near North Carrollton).	George St.	227
Potacocowa Creek	State Highway No. 7	152
Teoc Creek	do	133
Talobusha River	Avalon Bridge	135
	Whaley Bridge	134
	Illinois Central Gulf RR.	151
Beasley Creek	North corporate limits, North Carrollton.	222

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: July 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-24713 Filed 8-31-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-3229]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for City of Holland, Pemiscot County, Mo.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the City of Holland, Pemiscot County, Mo. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the City Hall, Main Street, Holland, Mo. 63853.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify the Honorable Rockey Booker, Mayor, City of Holland, City Hall, P.O. Box 97, Holland, Mo. 63853.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of Holland, Mo., in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Pemiscot Bayou	At the downstream limit of study.	249
	0.37 mi upstream from limit of study.	253
	At the downstream face of unnamed road.	254
	do	256
	At the upstream face limit of study.	256

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: July 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-24714 Filed 8-31-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-3230]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for Town of DeWitt, Onondaga County, N.Y.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the Town of DeWitt, Onondaga County, New York.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to quality or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Town Hall, 6565 Kinne Road, DeWitt, New York 13214.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mr. Royal Maxwell, Town Supervisor of DeWitt, Town Hall, 6565 Kinne Road, DeWitt, New York 13214.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581, or toll-free line, 800–424–8872, Room 5270, 451 Seventh Street, Southwest, Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the Town of DeWitt, Onondaga County, New York, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing building and contents.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Butternut Creek	Kirkville Rd	409
	New York Route 290	414
	Cedar Bay Rd	419
	New York Route 5	424
	Interstate Route 481	428
	Andrews Rd	432
	Jamesville Rd. (northern crossing).	454
	Jamesville Rd. (southern crossing).	483
	Jamesville Quarry Rd	540
	Seneca Turnpike	583
	Southern town boundary.	607
Ley Creek, main branch.	Western town boundary.	379
	Confluence with north and south branches.	379
Ley Creek, north branch.	Confluence with south branch.	379
	New York State throughway.	331
	Molloy Rd	336
	Thompson Rd	338
	Aviation Rd	390
	Northern Blvd	390
	Maxwell Park Bridge	393
	Collamer Rd	396
Ley Creek, south branch.	Confluence with north branch.	379
	New York Route 298	393
	Court St	394
	Thompson Rd	398
	James St	402
Meadow Brook	Confluence with Old Erie Canal feeder.	431
	Jamesville Rd. (downstream).	445
	Jamesville Rd. (upstream).	471
Old Erie Canal	Entire length within town of DeWitt.	428

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator (34 FR 2680), February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: July 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-24715 Filed 8-31-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-3231]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for Village of East Rockaway, Nassau County, N.Y.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the Village of East Rockaway, Nassau County, New York.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the office of the Village Clerk, Village Hall, 376 Atantic Avenue, East Rockaway.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor Theodore S. Reinhard, 376 Atlantic Avenue, East Rockaway, New York 11518.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or toll-free line, 800–424–8872, Room 5270, 451 Seventh Street, Southwest, Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the Village of East Rockaway, Nassau County, New York in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Hewlett Bay	Wesley Dr.	8.3
	Thompson Dr.	8.3
	Intersection of Emmet Ave. and Adams St.	8.3
	Chathay Rd.	8.3
	Dart St.	8.3
	Lawson Ave.	8.3
	1st Ave.	8.3
	3d Ave.	8.3
	John St.	8.3
	Front St.	8.3
	Pearl St.	8.3
	Intersection of Payne Circle and Waverly Ave.	8.3
	Intersection of Ocean and East Atlantic Aves.	8.3
	New St.	8.3
	Davis St.	8.3

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator (34 FR 2680, February 27, 1969), as amended (39 FR 2787, January 24, 1974).)

Issued: July 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-24716 Filed 8-31-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-3232]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for City of Lockport, Niagara County, N.Y.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed Rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the City of Lockport, Niagara County, New York.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the bulletin board in the Municipal Building, 1 Locks Plaza, Lockport, New York.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify the Honorable Michael Shanley, Mayor of Lockport, Municipal Building, 1 Locks Plaza, Lockport, New York 14094.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of Lockport, Niagara County, New York, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The proposed 100-year flood elevations for selected locations are:

Source of Flooding	Location	Elevation in feet, national geodetic vertical datum
Eighteenmile Creek.	Stone Rd. (C.R. 23)	551
	Gooding St.	449
	William St. (upstream).	455
	Clinton St. (upstream).	457
	Wilson Parkway (extended).	017
	Davison Rd.	621
Gulf Branch	Niagara St. (upstream).	470
	Michigan St. (extended).	499
	Trowbridge St. (extended).	556
Lincoln Avenue branch.	Hoover Parkway (extended).	632

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: July 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-24717 Filed 8-31-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-3233]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for Town of Ontario, Wayne County, N.Y.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the Town of Ontario, Wayne County, New York.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Ontario Town Hall, 1850 Ridge Road, Ontario, New York 14519.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mr. Robert Pinkney, Town Supervisor, Town of Ontario, Town Hall, 1850 Ridge Road, Ontario, New York 14519.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street, Southwest, Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the Town of Ontario, New York, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also

be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Mill Creek	Downstream of Driveway Bridge.	254
	Downstream of Ginna access road.	257
	Downstream of Farm Bridge.	261
	Upstream of Lake Rd.	268
	400 ft downstream from Farm Bridge.	268
	100 ft downstream from Farm Bridge.	273
	Downstream of Slocum Rd.	296
	5,150 ft upstream from Slocum Rd.	332
	1,100 ft downstream from confluence with tributary.	348
	Downstream of Willitts Rd.	362
	Downstream of Farm Bridge.	378
	Downstream of Lake Side.	384
	Downstream of Berg Rd.	388
	Downstream of ConRail.	421
	Upstream of the dam	435
	Upstream of Ridge Rd.	440
	Downstream of Clevenger Rd.	456
	Downstream of Whitney Rd.	469
Bear Creek	100 ft downstream of Lake Rd.	249
	3,300 ft upstream of Lake Rd.	271
	Downstream of Driveway Bridge.	312
	Upstream of Bear Creek Dr.	330
	550 ft downstream of Furnaceville Rd.	346
	Kenyon Rd.	388
	50 ft downstream of ConRail.	406
	250 ft downstream of Ridge Rd.	430
	20 ft downstream from Paddy Lane.	448
Dennison Creek	Upstream of Slocum Rd.	366
	Downstream of ConRail.	419
	50 ft downstream of Paddy Lane.	453
	Downstream of Whitney Rd.	476
Dennison Creek Tributary.	Downstream of Slocum Rd.	411
	Downstream of ConRail.	416
	Downstream of Ridge Rd.	430
	2,440 ft upstream of Ridge Rd.	448
Fourmile Creek	Downstream of Farm Bridge.	405
	Downstream of County Line Rd.	419

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: July 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-24718 Filed 8-31-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-3234]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for Village of Spencerport, Monroe County, N.Y.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the Village of Spencerport, Monroe County, N.Y.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the bulletin board in the Village Hall, 27 West Avenue, Spencerport, N.Y.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify the Honorable Edward Fosmire, Mayor of Spencerport, 27 West Avenue, Spencerport, N.Y. 14559.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street, Southwest, Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year-flood) for the Village of Spencerport, Monroe County, N.Y., in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
West Branch, Northrup Creek.	Hawthorne Rd.	566
	Nichols St.	560
	Brookport Rd.	552
	Village Walk	521
	ConRail	506
Northrup Creek	Coloman Ave.	566
	Prospect Ave.	559
	Maplewood Ave.	521
	ConRail	511
	Erie Canal	495
	Downstream corporate limits.	477

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968) as amended; (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: July 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-24719 Filed 8-31-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-3235]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for Town of West Bloomfield, Ontario County, N.Y.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed Rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the Town of West Bloomfield, Ontario County, N.Y.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review

at the Town Hall, West Bloomfield, N.Y. 14585.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mr. Raymond L. Parrish, Supervisor of the Town of West Bloomfield, County Road 14, Holcomb, N.Y. 14469.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street, Southwest, Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the Town of West Bloomfield, Ontario County, N.Y., in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Honeoye Creek	North corporate limits.	670
	Route 65	684
	Martin Rd.	705
	U.S. Highway No. 20	742
	Gleason Rd. (extended).	774
	Gray Rd.	792
	South corporate limits	793

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: July 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-24720 Filed 8-31-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-3236]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for Town of Fuquay-Varina, N.C.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed Rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the Town of Fuquay-Varina, N.C. These base blood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at Town Hall, 131 South Fuquay Avenue, Fuquay-Varina, N.C.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor R. Douglas Powell, Town Hall, P.O. Box 35, 131 South Fuquay Avenue, Fuquay-Varina, N.C. 27526.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or toll free line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the Town of Fuquay-Varina, N.C., in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing building and contents.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Terrible Creek	North Carolina State Rd. 1101.	345
	North Carolina State Rd. 1491.	390
Anglin Creek	North Carolina State Rd. 2770.	309
	North Carolina State Rd. 2767.	340
	Durham & Southern RR.	363
Kenneth Creek	U.S. 401	291
	North Carolina State Rd. 1100.	300
	Norfolk & Southern RR.	344
	North Carolina State Rd. 1103.	362
	North Carolina 42	378
Bradley Creek	U.S. 401	285
Rocky Rd. branch	Norfolk & Southern RR.	345
Kenneth branch	North Carolina 42	374
	North Carolina State Rd. 1104.	373
	Norfolk & Southern RR.	357

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: July 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-24721 Filed 8-31-77;8:45 am]

federal register

THURSDAY, SEPTEMBER 1, 1977

PART III

CONSUMER PRODUCT SAFETY COMMISSION

■

TOYS AND OTHER ARTICLES INTENDED FOR USE BY CHILDREN UNDER 8 YEARS OF AGE

Technical Requirements Identifying Sharp Metal or Glass Edges

CONSUMER PRODUCT SAFETY COMMISSION

[16 CFR Part 1500]

IDENTIFICATION OF CERTAIN TOYS AND OTHER ARTICLES PRESENTING POTENTIAL LACERATION INJURY HAZARDS DUE TO SHARP METAL OR GLASS EDGES

Proposed Technical Requirements

AGENCY: Consumer Product Safety Commission.

ACTION: Proposed Regulation.

SUMMARY: The Commission is proposing a regulation that would establish technical requirements for toys and other articles intended for use by children under 8 years of age. These requirements would identify sharp metal or glass edges on such children's articles that could injure children. If the Commission identifies sharp metal or glass edges on particular children's articles that present an unreasonable risk of injury to children under 8 years of age, it will initiate rulemaking proceedings to ban those articles.

DATES: Comments must be received on or before October 3, 1977. The proposed effective date would be 365 days after publication of final requirements.

ADDRESS: Send comments to the Office of the Secretary, Consumer Product Safety Commission, 1111 18th Street, NW., Washington, D.C. 20207.

FOR FURTHER INFORMATION CONTACT:

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SUPPLEMENTARY INFORMATION: On January 7, 1975, the Consumer Product Safety Commission, pursuant to section 2(f)(1)(D) of the Federal Hazardous Substances Act (FHSA) (15 U.S.C. 1261(f)(1)(D), proposed regulations to ban toys intended for children under 8 years of age[1] that present an unreasonable risk of personal injury from laceration or avulsion hazards due to sharp edges (40 FR 1488). The proposed regulations also set forth test criteria for determining whether toys intended for children under 8 years of age present those hazards.

At the Commission meeting of April 7, 1977, the Commission voted to withdraw its proposed regulations and to repropose the sharp edge test criteria, with certain changes, as a technical requirements regulation.

The effect of the technical requirements regulation proposed in this document, if issued in final form, would be to identify toys containing sharp metal or glass edges that the Commission preliminarily believes are hazardous to children under 8 years of age. Because such toys may not necessarily present a mechanical hazard under the FHSA (section 2(s), 15 U.S.C. 1261(s)), the Commission is not proposing a regulation that would automatically classify such toys as banned hazardous substances. Instead, the Commission will regulate such toys on a product-by-product basis whenever the test procedures identify them as presenting sharp metal or glass edges and the Commission believes that they present a mechanical hazard as defined in the FHSA.

The Commission's reasons for its proposal of this product-by-product regulatory approach for toys with metal or glass edges and the manner in which the Commission will use this approach are discussed below.

RATIONALE FOR REPROPOSAL

The Commission has decided to withdraw the January 7, 1975, proposed regulation and to repropose the sharp edge test criteria, with certain changes, as a technical requirements regulation for the following reasons:

1. In response to the January 7, 1975, proposed sharp edge regulation, the Commission received extensive comment which criticized both the technical requirements and the sharp edge test procedure. Considerable staff effort analyzing those comments has resulted in the staff recommendation that substantial technical changes be made in the proposal. These changes are discussed more fully in the section entitled "Changes to the Proposal" below.

2. The proposed banning regulation of January 7, 1975, and the technical requirements regulation proposed below include in their scope all products intended for children within an age span ranging from 0 to 8 years. However, the Commission believes that it would be unwise to attempt to apply a single sharp edge test criterion in a self-executing banning regulation to the numerous products which make up the play environment of children between the ages of 0 and 8 years. Sharp edge tests on toys conducted by the Commission staff showed that some edges which were classified sharp by the test instrument and were accessible by the crieria of the proposed regulations may not constitute an unreasonable risk of injury.

3. Staff analyses of the Commission's injury data associated with products intended for children indicate that injuries to young children are predominantly lacerations, punctures and avulsions. However, many of these injuries appear to occur as a result of some form of violent activity such as swinging or throwing the product, or running and subsequently falling on it. Although this type of activity and the resultant potential risk of injury associated with children's products are included within the term "reasonably foreseeable damage or abuse," as used in the FHSA (15 U.S.C. 1261(s)), the proposed banning regulations of January 7, 1975 were never intended to address such activity or risk. Rather, that proposal was aimed at the casual handling of toys, which includes the range of activity associated with unpacking, handling, operating, and playing with toys, including foreseeable misuse and types of play not intended by the manufacturer. The degree of injury that results from throwing or swinging toys at high velocities is more a function of velocity than the detailed geometry of the edge.

For the reasons discussed above, the Commission is proposing in the regulation below certain technical requirements for manufacturers to follow in designing and manufacturing toys without sharp edges.

Toys that do not comply with the technical requirements will be reviewed by the Commission and its staff on a product-by-product basis for further regulatory action. Under this approach, toys not meeting the technical requirements would not be classified as banned hazardous substances under the FHSA until they are the subject of a completed proceeding under section 2(f)(1)(D) of the FHSA (15 U.S.C. 1261). In contrast, under the approach that was proposed in January 1975, toys not meeting the sharp edge test criteria would have been automatically banned.

The Commission believes that consumers, State and local governments, and other interested persons should be given an opportunity to comment on the technical requirements regulation followed by a product-by-product banning approach before the Commission adopts it.

BACKGROUND

In response to the Commission's January 7, 1975, proposed regulation on sharp edges, comments were received from 34 individual toy manufacturers or importers, five trade associations, five consumers, three testing organizations, two retailers, and one consumer group.

The Commission's responses and conclusions to the major issues raised in the comments that are pertinent to the proposal are discussed below.

1. *Injury data.* Several commentors contend that the sharp edge regulations as proposed would not reduce or eliminate any of the injuries reported in the Commission's National Electronic Injury Surveillance System (NEISS) because 60 percent of the injuries discussed in the Commission's in-depth investigations result from falling or impacting a toy and not the casual handling of toys.

Other commentors content that NEISS data is not an adequate basis for proposing the sharp edge regulations and several commentors state that an analysis of NEISS reports suggests that the regulations, as proposed, were not warranted by the injury statistics cited.

The Commission points out that NEISS surveillance data are primarily an indicator of need and not a justification for regulation. The NEISS data do not distinguish between product-caused and product-related injuries and do not identify whether an injury resulted from the normal use or the reasonably foreseeable

[1] The Commission intends that the scope of this technical requirements regulation will include other articles intended for use by children under 8 years of age as well as toys. However in an effort to simplify reading the preamble, the term toy(s) hereafter will be used inclusively for both toys and other articles intended for use by children.

misuse of a product. Such information is obtained through in-depth investigations that are performed by the Commission. However, NEISS surveillance data provide information on the type and severity of injuries and the ages of those being injured. Therefore NEISS data are only one factor the Commission uses in making its findings of an unreasonable risk of injury pursuant to the FHSA.

The Commission offers the following explanation of how NEISS surveillance data are applicable to the regulation proposed below.

A review of NEISS injury data indicates that a substantial number of children under 8 years of age are receiving laceration and avulsion injuries from toy-related accidents. In calendar year 1976 an estimated 43,300 children under 8 years of age were treated in hospital emergency rooms for such injuries.

In order to determine the extent to which lacerations and punctures are occurring from toys intended for children under 8 years of age, the Commission staff divided toys into the following three categories.

a. Toys primarily intended for use by children under the age of 8 years.

b. Toys primarily intended for use by children 8 years to 14 years of age.

c. Toys intended for use by children in both age groups.

Of the estimated 43,300 injuries treated in 1976, an estimated 9,000 were associated with products intended specifically for use by children under 8 years of age. An additional 30,800 injuries were associated with products intended for use by children in both the under 8 year and in the 8-to-14 year age groups.

In addition based on NEISS estimates, laceration and avulsion injuries accounted for over half (approximately 53 percent) of all toy related injuries to children under 8 years of age.

The Commission points out that injuries of the type addressed by the regulation being proposed are serious enough to require emergency room treatment as shown by the fact that NEISS surveillance data are obtained from reports of injuries that are treated in hospital emergency rooms. The Commission belives that a purchaser of toys for children under 8 years of age does not expect such articles to cause laceration or avulsion injuries to the children using them. The Commission therefore finds that toys that can lacerate skin and cause bleeding, during normal use or reasonably foreseeable misuse, constitute an unreasonable risk of injury.

The Commission notes that while many toy-related laceration injuries may cause only minor bleeding, some injuries are more severe. Such injuries warrant the adoption of reasonable regulations to reduce or eliminate their occurrence.

The Commission emphasizes that the proposed technical requirements are intended to set a standard of safety to reduce the risk of injury not only for the products currently available to young children, but also for the new and redesigned products for which there is no hazard experience data available to the Commission. The Commission estimates that between 3000 and 5000 new children's products are introduced into the marketplace each year. It is anticipated therefore that the technical requirements proposed below will reduce the occurrence of laceration and avulsion injuries associated with the new products that will be available for children.

The injury reports and the Commission staff's analysis of injuries related to sharp edges on toys may be seen in the Office of the Secretary, Consumer Product Safety Commission, 1111 18th Street NW., Washington, D.C., during working hours Monday through Friday.

2. *Sharp Edge Test Criteria*—a. *Sharp edge tester.* The proposed January 7, 1975 regulations prescribed a sharp edge test developed for the Commission by the National Bureau of Standards (NBS). The sharp edge test was designed to distinguish, on the basis of sharpness, between sharp and dull edges that children can contact during the casual handling of toys. Casual handling includes the range of activity associated with unpacking, handling, operating, and playing with toys, including foreseeable misuse and other types of play not intended by the manufacturer. However, such foreseeable misuse does not include throwing or swinging a toy at high velocities.

Under the sponsorship of the Commission and its predecessor agency, the Bureau of Product Safety, Food and Drug Administration, the NBS conducted research on certain aspects of human skin cutting. The results are set forth in an NBS report entitled "Some Cutting Experiments on Human Skin and Synthetic Materials", NBSIR 73-262 (October 1973). In the study, tests were performed in which the cutability of excised cadaver skin was examined using "standard edges" of differing edge geometries. The edges for these tests were selected for having typical geometries and varied abilities to cut skin. Skin samples were wrapped around a cylindrical hardwood mandrel that turned a single rotation while the test edge was held stationary and a known force applied. The resultant data were summarized for various force levels and the edges were ranked in order of sharpness.

In a related effort, NBS reported in a document entitled "A Study of the Strength Capabilities of Children Ages Two through Six," NBSIR 73-156 (August 1973), that the average maximum gripping force for children 5 years of age is 20 lbs. Older children are stronger and reach larger force levels but have more accurate sense of judgment and are less likely to indiscriminately grasp an object with maximum force. The Commission believed that a force level of 20 pounds was a reasonable base to determine the force level for the sharp edge test method. Data from these two NBS reports established the criteria which was used as a basis for the sharp edge test proposed on January 7, 1975.

NBS developed a prototype test device for sharp edges in toys which is described in an NBS report entitled "An Inspection Procedure for Detecting Hazardous Edges," NBSIR 74-428 (April 1974). The device is designed to be handheld, usable in any orientation, and easy to operate. The diameter of the rotating mandrel approximates the size of a child's finger and is wrapped with a simulated skin. Material suitable for use with the test device as the simulated skin is a tape made from polyetrafluoroethylene (TFE) and has an adhesive backing to provide for easy mounting on the mandrel.

The Commission's January 7, 1975 proposed regulations specified a test based on the device developed by NBS. The proposed test method established the sharpness of an edge by its ability to cut through a specified simulated skin at force of 3.8 pounds which was found to simulate behavior of human skin at a force of 20 pounds.

Because various brands and lots of polytetrafluoroethylene tape have differing degrees of cutability, the Commission proposed a tape qualifying procedure along with the sharp edge test method. Certain standard edges which NBS had chosen as sharp and dull edges based on the human skin cutting tests were used to select and qualify the tape, thereby reducing variability in results obtained during actual testing. This would allow several tapes to qualify.

The NBS reports cited above may be seen in the Office of the Secretary, CPSC, 1111 18th Street, Washington, D.C., during working hours Monday through Friday.

b. *Articulated probe.* A three-knuckle articulated probe, designed by Underwriters Laboratories (UL) to simulate the penetration of a finger into a small slot or hole, was specified in the proposal on January 7, 1975, for use in determining the accessibility of sharp edges to children. An edge that is accessible to this probe was determined to be accessible to a child and therefore subject to the sharp edge test. The dimensions for the probe were based on the depth of penetration of fingers into slots and holes having respective widths and diameters ranging from 0.125 inch to 1.0 inch of 100 adult males, 100 adult females, and 100 children. The dimensions used to construct the probe were set so that no more than five percent of the group with the greatest finger penetration (adult females) could reach into the slots and holes to a length greater than that of the probe.

Use and Abuse Test Procedures. The proposed regulations referenced Commission regulations that prescribe test procedures for simulating the use and abuse of toys and games (16 CFR 1500.50 through 1500.53, published in the FEDERAL REGISTER on January 7, 1975 (40 FR 1480)). These tests are preformed in order to simulate the normal use and reasonably foreseeable damage or abuse that is included in the statutory definition of mechanical hazard.

As the regulations were originally proposed, any toy intended for children under 8 years of age would be classified as

a hazardous substance and, therefore, a banned hazardous substance if such toy failed to comply with the accessibility and sharp edge test method before or after being subjected to the appropriate use and abuse tests.

CHANGES TO THE PROPOSAL

1. *Test Criteria.* In response to the proposal of January 7, 1977, the Commission received many comments which criticized the test procedures, the background experiments which were used to establish the criteria for the proposed tester, and the tester itself. The majority of the comments questioned the rationale for selecting, as the average maximum gripping force of a 5-year-old child, the 20-pound force level at which children may grasp toys during play. The selection of this force as the force at which any edge can be expected to be applied to human skin without causing a bleeding cut produced an extremely stringent requirement which, if promulgated under FHSA would, in the opinion of many manufacturers, be impossible to meet. The commenters questioned the validity of the data presented in the NBS report "Some Cutting Experiments on Human Skin and Synthetic Materials," NBSIR 73-262. The comments noted the apparent absence of an established relationship between the cutability of skin samples excised from cadavers, the NBS tests, and the cutability of skin on human body. It was pointed out that the NBS tests were performed on skin which had had the subdermal fat removed and was backed by a hardwood mandrel. It was theorized that skin on the human body, which in most locations has a resilient subdermal fatty layer, would not be cut as easily as the excised skin in the NBS tests.

In addition, many commenters questioned the applicability of the proposed sharp edge test to plastics.

The Commission believes these comments have merit. Therefore, additional staff research has been conducted in support of the reproposal below. The test procedure has been reviewed with the goal of revising the requirements such that only edges which are similar to those known to have caused injury or which on a "reasonable man" basis could be judged hazardous would fail the requirements.

The results of additional testing and review of the originally proposed sharp edge test method have led the Commission to the conclusion that the sharp edge test and requirements be reproposed with the changes discussed in paragraphs 2, 3, 4, 5 and 6 below.

2. *Sharp edge test procedure.* a. Tape specifications. In addition to the many comments addressing the severity of the test requirements in the proposed sharp edge regulation, the notice drew much criticism aimed at the repeatability of the test method. As proposed, the test method allowed the use of any roll of TFE tape as a cut indicator, provided it could be calibrated by a specified procedure which incorporated the use of certain standard edges. The lack of availability of standard edges on a commercial basis made the calibration method impractical for most affected manufacturers to use. Furthermore, it was found that even tape which proved to be acceptable by the calibration procedure may provide differing results if different brands of tape were used because the acceptable range was too large.

Additional tests were performed to determine the cutting variability of a single brand of tape from different rolls as well as the variability within a single roll. As a result of those tests, the Commission staff has recommended the use of a single brand of tape known as CHR type 'T' TFE tape. The use of this tape is specified in footnote 4 to section (e) (3) of the technical requirements proposed below.

In addition, during subsequent testing of rolls of tape it was found that TFE tape is temperature sensitive and undergoes a temperature transition at 30° C (86° F). At this point the cutability characteristics of the TFE tape may change. The staff have, therefore, recommended a change in the test procedure which limits the permissible temperature of the tape while the test is being performed. (See section (e) (3) of the technical requirements below.)

b. Force level. As discussed above extensive comments to the January 7, 1975, proposal led to the reevaluation of certain aspects of the tester and test method. As proposed a force of 3.8 pounds was applied to an edge to determine if it was hazardous based on its ability to cut through the tape.

The Commission staff reviewed test results from the NBS studies and sought additional information on skin cutting characteristics.

The staff also reviewed the results of tests performed by the Department of Anatomy at the University of Virginia. Blades with edges of similar geometries to those of the NBS tests, were examined for their cutting ability on live and dead pigs' skin and on cadaver skin, both on the body and excised from the body.

The tests were performed over a range of force levels. These tests did not support the implication that human skin and pigs' skin differ in their resistance to cutting since excised samples of each behaved generally in similar ways in cutting tests. Skin with subcutaneous tissue removed (as used in the NBS tests) and cadaver skin in place over bone (leg skin over shinbone) showed the least resistance to cutting injury.

In a summary of observations on cuts, the University of Virginia report was able to identify blades with certain edge geometries which are considered sharp since they consistently cut deeply into or through the skin under the application of light forces. Other blades, however, rarely cut skin unless it was tested with the subcutaneous tissue removed against a hard backing and were considered dull.

Copies of the University of Virginia report may be seen in the Office of the Secretary, Consumer Product Safety Commission, 1111 18th Street NW., Washington, D.C., during working hours Monday through Friday.

A further examination of In-depth Investigation Reports (IDI's) concerning toy related laceration injuries showed that exposed edges on toys punched from sheet metal which had not been deburred or otherwise treated were a common cause of injury.

To determine the mandrel force at which hazardous toy edges would cut TFE tape, the Commission staff conducted some tests on edges taken from toy samples. These samples were of the same manufacturer and model as toys which were reported by IDI's to have caused laceration injuries to children during normal play. All were toys which were stamped from sheet metal and all had an accessible edge on which ragged burrs or feathering subjectively indicated the presence of a hazard.

A roll of TFE tape was selected which had exhibited a cutting performance which was in the middle of the force range observed for those tapes which were tested against a single edge in the tape variability tests previously discussed in paragraph 2a of this section. The toy edges were tested with a bench model sharp edge tester using that tape. The minimum force which was required to consistently cause cuts in the TFE tape with toy edges ranged from 1.00 to 1.35 pounds depending on the sharpness of the edges. The sharpest of the toy edges would consistently cut tape at 1.00 pound and might also have cut at lower forces. The bench tester in its present form has a minimum force of 1.00 pound. Based on staff recommendations, the Commission is proposing that the same basic test procedure as contained in the January 7, 1975, proposal be incorporated in the technical requirements regulation proposed below. A proposed maximum mandrel force has been designated as 1.35 pounds (6.00 newtons), because this was the minimum force required to consistently fail all of the tested edges which had caused laceration injuries.

Detailed engineering drawings for a suitable sharp edge tester which meets the requirements stated in section (d) (2) of the proposal below are available at a minimum cost from the Office of the Secretary, Consumer Product Safety Commission, 1111 18th Street NW., Washington, D.C. 20207.

3. *Limitation to metal and glass edges.* a. Many commenters question the applicability of the proposed sharp edge test to plastics. They question whether the requirements should be applied to toys constructed on non-metals, when the supporting research was limited to metal edges.

Upon reexamining the basis for proposing application of the sharp edge regulations to toys constructed of all materials, the Commission makes the following observations:

i. The research performed by NBS upon which the design of the sharp edge test procedure is based, and the subsequent research by the University of Virginia determined the laceration hazards of only metal edges. No determinations of the laceration hazards of nonmetal edges were performed.

ii. Certain physical properties of glass (modulus of elasticity and hardness) which determine its resistance to deformation are closer to those properties of metal than to plastic or other nonmetals from which toys are constructed. For example, glass possesses a hardness quality similar to metal and metal alloys and has a modulus of elasticity of about 10,000,000 pounds per square inch that is within the modulus range of aluminum alloys, which is 9,900,000 to 10,300,000 pounds per square inch. Plastics, however, are relatively soft and generally have modulus of elasticity below 750,000 pounds per square inch.

Based on staff recommendations, the Commission concludes, therefore, that the scope of the proposed regulations should be limited to toys containing edges constructed of metal and/or metal alloys or glass and that are intended for children under 8 years of age. For purposes of the regulations, the Commission is defining the term glass as a hard, brittle, amorphous substance produced by fusion, usually consisting of mutually dissolved silica and silicates that also contain soda and lime. It may be transparent, translucent, or opaque.

The Commission will consider at a later time whether there is a need to address the potential laceration hazards of nonmetal materials except glass-used in toys that are intended for children under 8 years of age.

4. *Accessibility criteria*—a. *Probes.* In reexamining the research supporting the proposed articulated probe, the Commission finds that the probe, designed by UL was intended to prevent electric shock where simple contact results in serious injury. UL based the design of the articulated probe on the finger penetration depth of 100 adult males, 100 adult females, and 100 children. The Commission therefore has redrafted the accessibility criteria to simulate only accessibility for children's fingers.

The Commission selected the anthropometric measurements [2] of young children for the lengths and the diameters of the small and middle fingers as well as the dimensions for hand clearance. Because children up to the age of 8 years are in a period of rapid growth, the anthropometric measurements were divided into two age groups—0 to 3 years and over 3 years up to 8 years of age.

To insure protection of the greatest number of children in each age group, the Commission selected anthropometric measurements that reflect the following assumptions:

i. That the younger children in each age group have narrower hands and therefore can reach into openings which would be inaccessible to an older child.

ii. That the older children in each age group have longer fingers and therefore can touch the inside components of toys which would be inaccessible to a younger child.

Furthermore, anthropometric data are not available for the dimensions of a child's index finger. Those dimensions have been approximated by averaging the respective dimensions of the small and middle finger of children in the two age groups.

In the 0 to 3-year age group, measurements for a fifth-percentile 3-month-old's small and middle fingers were averaged and used to approximate the diameter of the index finger. Measurements for a 95th-percentile 3-year-old's small and middle fingers were averaged and used to approximate the length of the index finger. The minimum hand-clearance measurement of a fifth-percentile 3-month-old child was selected. These measurements were then used to define the dimensions of probe A.

For explanatory purposes, the various percentiles refer to how the size and proportions of one child within a particular age range compare with respect to the size and proportions of other children in the same age range. For example, a fifth-percentile 3-month-old child represents a child of this age, the size of whom is such that 95 percent of the children of same age are larger and only five percent are smaller.

Similarly for the over 3-year to 8-year age group, measurements for the small and middle fingers of a fifth-percentile child 37–42 months of age were averaged and used to approximate the diameter of the index finger. Measurements for the small and middle fingers of a 95th-percentile child 85–96 months of age were averaged and used to approximate the length of the index inger. The minimum hand-clearance dimensions for a fifth-percentile child 37–42 months of age were selected. These dimensions were then used to define the dimensions of probe B.

Accordingly, probes A and B shown in figure 2 of the regulation below are to be used as follows:

Probe A is to be used to determine the accessibility of edges in holes, recesses, or openings on toys intended for children 3 years of age or less.

Probe B is to be used to determine the accessibility of edges in holes, recesses, or openings on toys intended for children over 3 years up to 8 years of age.

The Commission notes that the accessibility probes are articulated in two rather than three places, as was the proposed articulated probe, because only two finger joints customarily go through an opening that will not accept the entire hand.

Detailed engineering drawings to enable the construction of the redesigned accessibility probes shown in figure 2 of the regulation below are available at a minimal cost from the Office of the Secretary, Consumer Product Safety Commission, 1111 18th Street, NW., Washington, D.C. 20207.

Based on staff recommendations and the anthropometric measurements from the University of Michigan study on the physical characteristics of children (cited in footnote 2, above) for two age groups—0 to 3 years and over 3 years up to 8 years of age, the Commission has defined accessibility for holes, recesses, and openings on toys and other children's articles as described in the following sections b, c, and d. (Holes, recesses, and openings will be referred to hereafter in this paragraph, 4, as openings).

b. *Finger access.* Section 1500.49 (c) (3) (i) of the proposed regulation proposed below provides that access into openings which are large enough to accept a child's finger but too small to accept a child's hand shall be determined by the appropriate accessibility probe shown in figure 2 of the regulation below.

The Commission notes that as indicated in section (c) (3) (i) of the proposal below each of the two joints on the probe may be rotated up to 90 degrees to simulate knuckle movement and that the total depth of insertion for accessibility shall be up to the collar on the probe that is appropriate for either the 0 to 3-year age group (probe A) or the over 3-year to 8-year age group (probe B).

The Commission points out that the diameter of the collar on each probe is representative of the hand-clearance diameter of a fifth percentile child in the youngest age category within each age group. For the 0 to 3-year age group, the youngest age category is 0–3 months of age and for the over 3-year to 8-year age group, the youngest age category is 37–42 months of age.

c. *Hand access but not shoulder access.* Section (c) (3) (ii) of the proposed regulation proposed below provides that access into openings large enough to accept a child's hand and arm but too small to admit the child's torso (body trunk) shall be determined by the dimensions of the entrance of the opening. Such openings include openings that are larger than the width of a child's hand but smaller than the breadth of a child's shoulders. For the reasons given below, the Commission finds that a depth-of-insertion factor of two and one-quarter multiplied by the minor dimension of an opening is appropriate to determine the accessibility of edges in such openings.

The Commission defines a minor dimension of an opening in footnote 1 to section (c) (3) (i), as the diameter of the largest sphere that will pass through the opening. The minor dimension of an opening can be determined by using a pair of calipers. This dimension multiplied by two and one-quarter determines the maximum depth of insertion for accessibility.

The Commission points out that the value of two and one-quarter is the approximate average of the ratio of arm length to shoulder breadth for a 50th percentile child in each of the two age groups—0 to 3 years and over 3 years to 8 years of age. For example, the depth of insertion into an opening with a minor dimension slightly smaller than the breadth of a child's shoulders will be slightly less than the length of the child's arm.

[2] All measurements were obtained from the University of Michigan's study, "Physical Characteristics of Children as Related to Death and Injury for Consumer Product Design and use" (Highway Safety Research Institute, The University of Michigan, Ann Arbor, Mich. 48105).

The Commission notes that the detachable extensions on the accesibility (finger) probes shown in figure 2 of the regulation below are appropriate for determining the accessibility of edges recessed in openings that are larger than the diameter for hand clearance but smaller than the dimension for shoulder breadth. For testing purposes, the appropriate insertion depth should be marked on the probe extension by any suitable means and is the distance from that mark to the tip of the simulated finger. The probe, attached to the probe extension, should be inserted in any direction into the opening up to the depth of the previously made mark. Each probe joint may be rotated up to 90 degrees to simulate knuckle movement and any edge that can be contacted by the finger portion of the probe, forward of the probe collar, shall be considered accessible.

d. *Total accessibility.* The Commission has decided that openings larger than the breadth of a child's shoulders shall be considered totally accessible. Therefore section (c) (3) (iii) of the regulation proposed below makes provision for the use of probes for such openings.

For the 0 to 3-year age group, the Commission believes that a shoulder breadth measurement of 7.36 inches is appropriate. This measurement represents a fifth-percentile one-year-old child, since children who are under one-year of age are less mobile and therefore are less likely to climb into cavities than children who are one-year of age or older.

For the over 3-year to 8-year age group, the Commission believes that a shoulder breadth measurement of 9.00 inches is appropriate. This measurement represents a fifth percentile child in the age category of 37–42 months.

The Commission believes that since significant growth occurs within the 0 to 3-year and the over 3-year to 8-year age groups, the measurements of 7.36 and 9.00 inches, respectively, provide an appropriate margin of safety in the tests for accessibility.

The Commission believes that for toys intended for children 0 to 3-years of age, access into openings with a minor dimension (defined above in paragraph 4–c) of 7.36 inches or larger shall be considered totally accessible to a child. For toys intended for children over 3 years to 8 years of age, access into openings with a minor dimension of 9.00 inches or larger shall be considered totally accessible to a child. Because openings that are totally accessible to children in the 0–8 years age span may contain smaller openings that are not totally accessible to such children, access into these smaller openings shall be determined by the appropriate procedures explained about in paragraphs 4—b or c.

e. *Inaccessible edges.* From the results of sharp edge tests conducted on a representative sample of toys, the Commission observes that tabs and other protrusions or edges do not present a laceration hazard if such protrusions or edges are flush with the toy or other protecting surface. The Commission therefore finds that an edge shall be considered inaccessible if it is protected by an adjacent surface and any gap between the edge and the adjacent surface does not exceed 0.020 inch both before and after application of the appropriate use and abuse test procedures referenced in section (b) (1) of the regulations proposed below.

Accordingly, the accessibility criteria explained above in this paragraph 4 are included below in proposed § 1500.49(c).

5. *Product-by-product regulatory approach.* The technical requirements regulation concerning toys containing edges is proposed under the authority of section 10 of the FHSA as a regulation for the efficient enforcement of the FHSA. Like the use and abuse regulations (16 CFR 1500.50 through 1500.53), the proposed regulation would establish testing criteria but would not itself ban any toy intended for children under 8 years of age. The testing criteria include the sharp edge test instrument, the accessibility probes, and the use and abuse tests. If any toy contains metal or glass edges that are identified as sharp, the Commission and its staff will evaluate the toy to determine if it presents a mechanical hazard.

If any such toy does appear to present a mechanical hazard under section 2(s) of the FHSA, the Commission will propose that it be classified as a hazardous substance (and thus a banned hazardous substance) according to sections 2(f) (1) (D), 2(q) (1) (A), and 3(e) (1) of the FHSA (15 U.S.C. 1261, 1262). Interested persons will be notified of the proposal and will have an opportunity to comment to the Commission, in accordance with the Administrative Procedure Act (5 U.S.C. 553). Notification will be by publication of the proposal in the FEDERAL REGISTER or by actual notice to the manufacturer of the affected toy, with notice to the general public, where appropriate. After the Commission and its staff evaluate all comments received, the Commission will issue a final regulation classifying the toy as a hazardous substance (and thus a banned hazardous substance) if the Commission believes that the toy presents a mechanical hazard.

If the Commission decides that a toy containing an edge, identified as sharp by the test criteria, does not present a mechanical hazard, the Commission will not initiate regulatory action against that toy.

Since this proposed regulation does not in itself ban toys, the Commission will follow the procedures described in this section and will review those toys which fail the sharp edge test criteria on a product-by-product basis. The Commission therefore encourages manufacturers of children's products to make every effort to insure that their product lines comply with the technical requirements because products which fail the test criteria may be subject to additional regulatory action which may lead to those products being declared banned hazardous substances.

6. *Use and abuse test procedures.* The proposed regulation below would require testing sharp edges before and after application of the appropriate use and abuse test procedures (16 CFR 1500.50 through 1500.53). These test procedures published as final regulations in the FEDERAL REGISTER of January 7, 1975 (40 FR 1480), do not in and of themselves ban toys and games. Rather, they are for use in exposing potential hazards that result from the normal use or the reasonably foreseeable damage or abuse to which toys and games may be subjected.

The use and abuse test procedures are to be used whenever they are referenced in regulations that are issued pursuant to the FHSA. Such regulations may identify particular mechanical hazards as defined by section 2(s) of the FHSA, which provides, in part, that (a toy) may be determined to present a mechanical hazard if, in normal use or when subjected to reasonably foreseeable damage or abuse, its design or manufacture presents an unreasonable risk of personal injury from edges.

Bites tests for various age categories are among the Commission's use and abuse test procedures for simulating normal use or reasonably foreseeable damage or abuse. With regard to the bite tests, the Commission finds, based on staff recommendations, that there is some doubt whether children can bite at the force levels specified in each of the bite tests and maintain these forces for the specified ten seconds.

The Commission's research for the bite test procedures and force levels included a study by Dr. Wilton M. Krogman.[3] A copy of the study by Dr. Krogman may be seen in the Office of the Secretary, Consumer Product Safety Commission, 1111 18th Street NW., Washington, D.C., during working hours Monday through Friday.

After considering the Krogman study and the staff's recommendations, the Commission concludes that the bite tests prescribed by §§ 1500.51(c), 1500.52(c), and 1500.53(c) should not be referenced in the proposed regulation below. Section (b) (1) of the regulation proposed below reflects this decision.

EXEMPTIONS

1. *Individual products.* Certain children's products are covered by specific regulations under the FHSA. In the case of bicycles and baby cribs, the Commission notes that these products are covered by comprehensive regulations that address the hazard of sharp edges.

Therefore, the Commission proposes to exempt from this technical requirements regulation the bicycles and baby cribs in categories that are addressed in the following three sets of individual product banning regulations:

a. Full-size baby cribs (16 CFR 1500.18 (a) (13) and Part 1508) promulgated in

[3] Manual and Oral Strengths of American White and Negro Children, Ages 3–6," by Dr. Wilton Krogman (the study by Dr. Krogman, dated September 1, 1971, was sponsored by the Closure Committee of the Glass Container Manufacturers Institute, Inc.).

the FEDERAL REGISTER of November 21, 1973 (38 FR 32129).

b. Bicycles (16 CFR 1500.18(a) (12) and Part 1512), amended November 13, 1975 (40 FR 52815 and 52828), published in the FEDERAL REGISTER in entirety as amended January 28, 1976 (41 FR 4144) and corrected (printer's error) February 6, 1976 (41 FR 5386).

c. Non-full-size baby cribs (16 CFR 1500.18(a)(14) and Part 1509) promulgated in the FEDERAL REGISTER of February 12, 1976 (41 FR 6238).

2. *Model and craft kits.* An industry association requested that any sharp edge regulation exempt model and craft kits because the data, test methods, and other criteria on which the regulation would be based are wholly inapplicable and irrelevant to the essential nature and use patterns of such kits.

The Commission considers adding such an exemption unnecessary because most children under 8 years of age do not have the dexterity and the reading ability for assembling complicated model and craft kits. The Commission believes also that model and craft kits in the marketplace today are usually not intended for use by children under 8 years of age. Therefore, the Commission finds that such kits are excluded from the scope of the proposed regulation below.

For purposes of the exclusion, the Commission recognizes that model and craft kits are articles containing components which may be unfinished and which require assembly or other necessary processing by the user in order to arrive at a finished product.

3. *Toys and other articles with functional sharp edges.* The Commission is proposing to exempt from the technical requirements those toys that have sharp edges by reason of their functional purpose, such as toy scissors and tool kits: *Provided,* The toy is identified by a conspicuous, legible and visible label as having sharp edges. The Commission is also proposing an exemption for other children's articles that have sharp edges by reason of their functional purpose, such as children's ice skates and children's cutlery. For purposes of both exemptions, non-functional sharp edges may be present on the toy or other article.

PREEMPTION

Section 18(b)(1)(B) of the FHSA, as amended, states:

> Except as provided in paragraphs (2), (3) and (4), if under regulations of the Commission promulgated under or for the enforcement of section 2(q) a requirement is established to protect against a risk of illness or injury associated with a hazardous substance, no State or political subdivision of a State may establish or continue in effect a requirement applicable to such substance and designed to protect against the same risk of illness or injury unless such requirement is identical to the requirement established under such regulations.

The regulations proposed below are requirements established to protect against the hazard of sharp edges on toys intended for children under 8 years of age and they are Commission regulations issued for the enforcement of section 2(q) of the FHSA. Therefore, if the regulations proposed below are issued in final form, the Commission believes and intends that state and local governments would be prohibited from establishing or enforcing any nonidentical requirement that addresses the hazard of sharp edges on toys intended for children under 8.

The Commission's proposed regulations are "technical requirements" that establish manufacturing criteria for toys intended for children under 8. As long as states or local governments use these same criteria to regulate such toys, their regulations would be considered to be identical to the Commission's regulations. Even if a state or local government were to impose different penalties or use different procedures to regulate toys, there would be no preemption as long as the manufacturing criteria were identical. As an example, if a state were to ban automatically any toy not meeting the criteria, the Commission's position is that such a ban is not preempted by the Commission's technical requirements.

EFFECTIVE DATE

It is contemplated that the effective date will be 365 days from publication of a final regulation establishing technical requirements to identify toys with potentially hazardous sharp metal or glass edges for all products subject to the regulation and introduced into interstate commerce after that date. For purposes of the regulation, introduction into interstate commerce is defined as follows: A toy manufactured outside the United States is introduced into interstate commerce when it is first brought within a U.S. port of entry. A top manufactured in the United States is introduced into interstate commerce (a) at the time of its first interstate sale, or (b) at the time of its first intrastate sale if one or more of its components and/or raw materials were received interstate.

ENVIRONMENTAL CONSIDERATIONS

An assessment of the potential environmental impact has been made of proposed § 1500.49 establishing technical requirements to identify toys and other articles that are intended for use by children under 8 years of age and that have sharp metal or glass presenting a potential laceration or avulsion injury hazard. The Commission concludes that there are no potentially significant environmental impacts associated with the proposal. Therefore, there is no need for an environmental impact statement. A copy of the environmental assessment may be inspected at the Office of the Secretary.

METRIC CONVERSION

Throughout the regulation English figures are used. The metric approximations in parentheses are included for convenience and information only.

THE PROPOSAL

Accordingly, pursuant to provision of the Federal Hazardous Substances Act (secs 2(s), 10(a), 74 Stat. 378 (15 U.S.C. 1261, 1269)) in accordance with the provisions of 5 U.S.C. 553, and under authority vested in the Commission by the Consumer Product Safety Act (Pub. L. 92-573, sec. 30(a), 86 Stat. 1231 (15 U.S.C. 2079(a)), the Commission proposes to amend 16 CFR Part 1500 by adding a new § 1500.49 as follows:

§ 1500.49 Technical requirements for determining a sharp metal or glass edge in toys and other articles intended for use by children under 8 years of age.

(a) *Objective.* The sharp edge test method prescribed by paragraph (d) of this section will be used by the Commission in making a preliminary determination that metal or glass edges on toys and other articles intended for use by children under 8 years of age, and such edges exposed in normal use or as a result of reasonably forseeable damage or abuse of such toys and articles present a potential risk of injury by laceration or avulsion under section 2(s) of the Federal Hazardous Substances Act (15 U.S.C. 1261(s)). The Commission will further evaluate toys and other articles with edges that are identified as presenting a potential risk of laceration or avulsion injury to determine the need for individual product regulation.

(b) *Scope.*—(1) *General.* The sharp edge test of paragraph (d) of this section is applicable to toys or other articles containing metal or glass edges that are introduced into interstate commerce on or after (365 days after publication in the FEDERAL REGISTER of a final regulation). The sharp edge test shall be applied to any portion of the test sample before and after subjecting the test sample to the use and abuse tests of § 1500.51, 1500.52, and 1500.53 (excluding the bite test—paragraph (c) of each section).

(2) *Exemptions.* (i) Toys and other children's articles that are the subject of any of the following regulations are exempt from this § 1500.46: The regulations for bicycles, non-full-size baby cribs, and full-size baby cribs (Parts 1508, 1509, and 1512 of this chapter.)

(ii) Toys that by reason of their functional purpose necessarily present the hazard of sharp metal or glass edges and that do not have any nonfunctional sharp metal or glass edges are exempt from this section: *Provided,* The toy is identified by a conspicuous, legible, and visible label at the time of any sale, as having functional sharp metal or glass edges. Examples of these are a pair of toy scissors or toy tool kits.

(iii) Articles, besides toys, intended for use by children that by reason of their functional purpose necessarily present the hazard of sharp metal or glass edges and that do not have any nonfunctional sharp metal or glass edges are exempt from this section. Examples of these are children's ice skates and children's cutlery.

(3) *Definitions*—(i) *Glass.* For the purpose of this regulation the Commission defines glass as a hard, brittle, amorphous substance produced by fusion, usually consisting of mutually dissolved silica and silicates that also contain soda and lime.

(ii) *Metal.* For the purpose of this regulation the Commission intends the word metal to include both elemental metals and metal alloys.

(c) *Accessibility*—(1) *General.* Any metal or glass edge that is accessible either before or after the tests of §§ 1500.51, 1500.52, and 1500.53 (excluding the bite test—paragraph (c) of each section) are performed shall be subject to the sharp edge test of paragraph (d) of this section.

(2) *Accessible edges.* (i) An accessible metal or glass edge for a toy or article intended for children 3 years of age or less is one that can be contacted by any portion forward of the collar of the accessibility probe designated as probe A in figure 2 of this section.

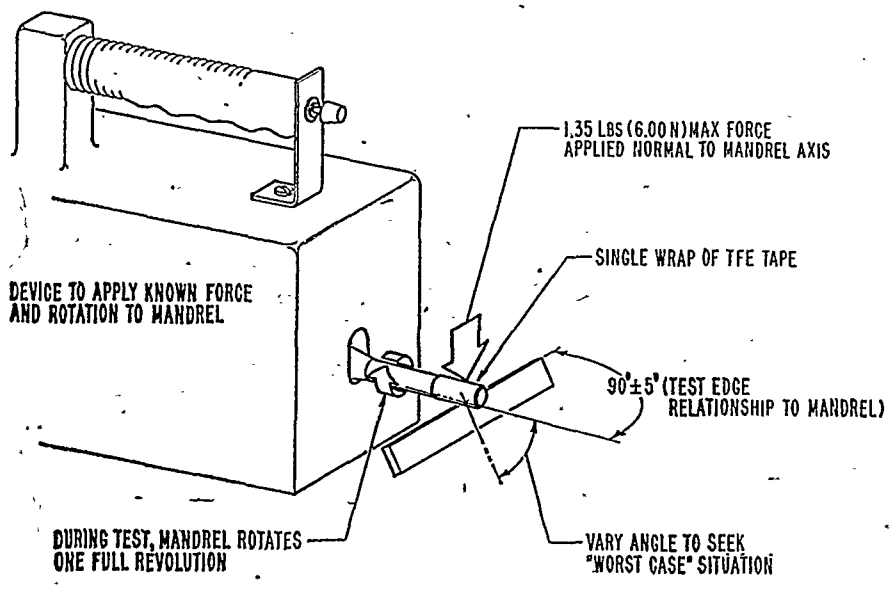
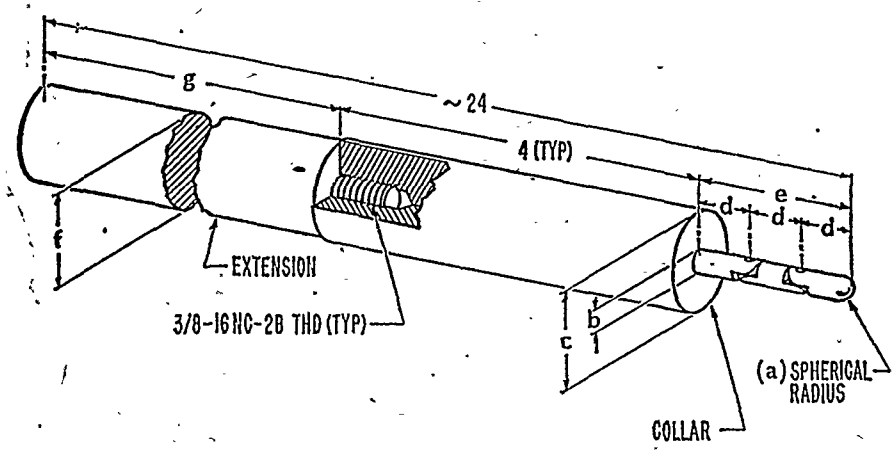


FIG 1—PRINCIPLE OF SHARP EDGE TEST



		a	b	c	d	e	f	g
(CHILDREN 0-36 MONTHS INCL)	PROBE A	.110	.220	1.020	.577	1.731	1	18 9/32
(" 37-96 " ")	PROBE B	.170	.340	1.510	.760	2.280	1 1/2	17 25/32

ALL DIMENSIONS IN INCHES

FIG 2—ACCESSIBILITY PROBES

(ii) An accessible edge for a toy or article intended for children over 3 years up to 8 years of age is one that can be contacted by any portion forward of the collar of the accessibility probe designated as Probe B in figure 2 of this section.

(iii) An accessible edge for a toy or article intended for children of ages spanning both age groups is one that can be contacted by any portion forward of the collar of either Probe A or Probe B, as shown in figure 2 of this section.

(3) *Insertion depth.* (i) For any hole, recess, or opening having a minor dimension [4] smaller than the collar diameter of the appropriate probe, the total insertion depth for accessibility shall be up to the collar on the appropriate probe. Each probe joint may be rotated up to 90 degrees to simulate knuckle movement.

(ii) For any hole, recess, or opening having a minor dimension larger than the collar diameter of Probe A, but less than 7.36 inches (186.9 millimeters), when Probe A is used, or a minor dimension larger than the collar diameter of Probe B, but less than 9.00 inches (228.6 millimeters), when Probe B is used, the total insertion depth for accessibility shall be determined by inserting the appropriate probe with the extension, shown in Figure 2, in any direction up to two and one quarter times the minor dimension of the hole, recess, or opening, measured from any point in the plane of the opening. Each probe joint may be rotated up to 90 degrees to simulate knuckle movement.

(iii) For any hole, recess, or opening having a minor dimension of 7.36 inches (186.9 millimeters) or larger when Probe A is used, or a minor dimension of 9.00 inches (228.6 millimeters) or larger when Probe B is used, the total insertion depth for accessibility is unrestricted unless other holes, recesses, or openings within the original hole, recess, or opening are encountered with dimensions specified in paragraph (c) (3) (i) or (ii) of this section. In such instances, the appropriate paragraphs (c) (3) (i) or (ii) of this section shall be followed. If both probes are to be used, a minor dimension that is 7.36 inches (186.9 millimeters) or larger shall determine unrestricted access.

(4) *Inaccessible edges.* Metal or glass edges shall be considered inaccessible without testing with a probe if they lie adjacent to a surface of the test sample, and any gap between the edge and the adjacent surface does not exceed 0.020 inch (0.50 millimeter) both before and after the tests of 1500.51, 1500.52, and 1500.53 (excluding the bite test—paragraph (c) of each section) are performed. For example, a lap joint in which a metal edge is overlapped by a parallel surface, any burr or feather-edge on the side closest to the protecting parallel surface is considered inaccessible if the gap between the edge and the parallel surface is no greater than 0.020 inch (0.50 millimeter).

(d) *Sharp edge test method*—(1) *Principle of operation*—The test shall be performed with a sharp edge tester [5] which contains a cylindrical mandrel capable of rotation at a constant velocity. The full circumference of the mandrel shall be wrapped with a single layer of poly-

[4] The minor dimension of an opening is the diameter of the largest sphere that will pass through the opening.

[5] Engineering drawings for a suitable portable sharp edge test instrument are available from the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207.

tetrafluoroethylene (TFE) tape as specified in paragraph (e) (3) of this section. The mandrel shall be applied to the edge to be tested with a normal force of up to but not exceeding 1.35 pounds (6.00 Newtons) such that the edge contacts the approximate center of the width of the tape as shown in figure 1 of this section. The mandrel shall be rotated through one complete revolution while maintaining the force against the edge constant. Linear motion of the mandrel along the line of the edge shall be prevented. The edge shall be identified as sharp if it completely cuts through the tape for a length of not less than ½ inch (13 millimeters) at any force up to 1.35 pounds (6.00 Newtons).

(2) *Procedure* (i) The edge of the sample to be tested shall be held in such a manner that it does not move during the test. If the full mandrel force of 1.35 pounds (6.00 Newtons) causes the edge to bend, a reduced mandrel force may be used.

(ii) Part of the test sample may need to be removed to allow the sharp edge testing device to test an edge that is accessible by the criteria of paragraph (c) of this section. Such dismantling of the test sample could affect the rigidity of the edge in question. The sharp edge test shall be performed with the edge supported so that its stiffness approximates but is not greater than the edge stiffness in the assembled sample.

(iii) Conduct of a sharp edge test is as follows: Wrap one layer of polytetrafluoroethylene (TFE) tape, described in paragraph (e) (3) of this section, around the full circumference of the mandrel in an unstretched state. The ends of the tape shall be either butted or overlapped not more than 0.10 inch (2.5 millimeters). Apply the mandrel, at the approximate center of the tape, to the edge of the test sample with a force of up to, but not greater than 1.35 pounds (6.00 newtons) measured in a direction at right angles to the mandrel axis. The mandrel shall be placed so that its axis is at 90 degrees ±5 degrees to the line of a straight test edge or 90 degrees ±5 degrees to a tangent at the point of contact with a curved test edge. The point of contact between the test edge and the mandrel shall be in the approximate center of the width of the tape. The axis of the mandrel may be positioned anywhere in a plane which is at right angles to either the line of a straight test edge or to a tangent at the point of contact with a curved test edge. The operator should seek the orientation most likely to cause the edge to cut the tape. Maintain the force against the edge and rotate the mandrel through one complete revolution while preventing any linear motion of the mandrel along the edge. Release the mandrel from the edge and remove the tape without enlarging any cut or causing any score to become a cut. A cut in the tape with a length of not less than ½ inch (13 millimeters) identifies an edge as sharp.

(e) *Specifications for sharp edge test equipment.* The following specifications shall apply to the equipment to be used in sharp edge test described in paragraph (d) of this section:

(1) The rotation of the mandrel shall produce a constant tangential velocity of 1.00±0.08 inch per second (25.4±2.0 millimeters per second) during the center 75 percent of its rotation and shall have a smooth start and stop.

(2) The mandrel shall be made of steel. The test surface of the mandrel shall be free of scratches, nicks, or burrs and shall have a surface roughness no greater than 16 microinches (0.40 micron). The test surface shall have a hardness no less than 40 as measured on the Rockwell "C" scale, as determined pursuant to ASTM E 18–74 entitled "Standard Test Methods for Rockwell Hardness and Rockwell Superficial Hardness of Metallic Materials," published July 1974.[6] The diameter of the mandrel shall be 0.375±0.005 inch) (9.35±0.12 millimeters). The mandrel shall be of suitable length to carry out the test.

(3) The tape shall be pressure-sensitive polyetrafluoroethylene (TFE) high temperature electrical insulation tape as described in MIL–I–23594B. The thickness of the polytetrafluoroethylene backing shall be between 0.0026 inch (0.066 millimeter) and 0.0035 inch (0.089 millimeter).[7] The adhesive shall be a pressure-sensitive silicone polymer with a nominal thickness of 0.003 inch (.08 millimeter). The width of the tape shall not be les than ¼ inch (6 millimeters). While conducting sharp edge tests the temperature of the tape shall be maintained between 70°F (21.1° C) and 80°F (26.6° C).

(f) For the purpose of conformance with the technical requirements prescribed by this § 1500.49, the English figures shall be used. The metric approximations are provided in parentheses for convenience and information only.

Interested persons are invited to submit, on or before October 3, 1977, written comments regarding this proposal. The Commission will consider late comments to the extent practicable. Comments and any accompanying data or material should be submitted, preferably in five copies, addressed to the Secretary, Consumer Product Safety Commission, 1111 18th Street, N.W., Washington, D.C. 20207. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the Office of the Secretary, at the above address, during working hours Monday through Friday.

Dated: August 26, 1977.

RICHARD RAPPS,
Secretary,
Consumer Product Safety Commission.

[FR Doc.77-25414 Filed 8-31-77;8:45 am]

[6] Copies available from American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103.

[7] The tape that the Commission will use for the sharp edge test is CHR type "T" manufactured by The Connecticut Hard Rubber Co., New Haven, Connecticut.

Federal Register

THURSDAY, SEPTEMBER 1, 1977

PART IV

ENVIRONMENTAL PROTECTION AGENCY

■

CLASSIFICATION BY REGULATION OF USES OF PESTICIDE PRODUCTS FOR RESTRICTED USE

Optional Procedures and Lists of Certain Pesticide Products

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER—PESTICIDE PROGRAMS

[FRL 769-77; OPP-30015]

PART 162—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT

Optional Procedures for Classification of Pesticide Uses by Regulation

AGENCY: Office of Pesticide Programs, Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This regulation establishes optional procedures for the classification by regulation of uses of pesticide products for restricted use.

The Agency is undertaking this action in order to comply with the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, requirement that pesticide uses be classified for either restricted or general use. By establishing these procedures the Agency will also be supporting the applicator certification program and providing an additional measure of environmental protection. Those uses that are not classified restricted via this process have been left unclassified as additional data will have to be examined prior to proposing a general use classification.

EFFECTIVE DATE: September 1, 1977.

FOR FURTHER INFORMATION CONTACT:

James H. White, Project Leader (WH-570), Office of Pesticide Programs, Environmental Protection Agency, Room E509A, 401 M Street SW., Washington, D.C. 20460, Telephone: 202-755-8297.

SUPPLEMENTARY INFORMATION: The Agency is also publishing three other related documents in this separate part. Comments pertaining to all four documents from the FIFRA Scientific Advisory Panel and the U.S. Department of Agriculture (USDA), and the responses of the Deputy Assistant Administrator for Pesticide Programs to these comments are published as an appendix to this rulemaking document.

One of the documents (OPP-30016) adds subsections to § 162.30 relating to compliance, amendments of registrations, labeling, hearing rights, and enforcement. Although those subsections are also procedural in nature, they will not apply until after the promulgation of a final rule under § 162.30(c)(3). Accordingly, the Agency has determined, in the public interest, to promulgate the additional subsections as proposed regulations and to specifically solicit public comment.

Another document (OPP-30017) is a proposed rule listing 23 active ingredients which have been reviewed by the Agency thus far. Some of the uses of these active ingredients have been classified for restricted use; others remain unclassified.

The fourth document (OPP-30018) is an advance notice of proposed rulemaking which presents a list of active ingredients which the Agency intends to review and classify. Additional information is being solicited.

Section 3(d) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended, provides that as part of the registration of a pesticide the Administrator shall classify its uses as being for general use or restricted use. It further provides that a use shall be classified as restricted if the Administrator determines that the use of the pesticide, when applied in accordance with its directions for use, warnings and cautions, or in accordance with a widespread and commonly recognized practice, may generally cause, without additional regulatory restrictions, unreasonable adverse effects on the environment, including injury to the applicator. The regulatory restriction may take the form of a requirement that the product having a restricted use be applied only by or under the direct supervision of a certified applicator, or such other requirement as the Administrator may provide by regulation.

The Act further provides that the Administrator is to reregister and classify all previously registered pesticides by October 21, 1977, and must implement State programs for the certification of applicators by that same date. However, unforeseen difficulties with the reregistration process have seriously delayed progress, and current projections for the completion of reregistration and classification extend well beyond the October 1977 deadline. Nevertheless, classification of substantial numbers of pesticide products is desirable in order to lessen the risks involved in pesticide use, to preserve the integrity of the certification program, and to provide needed support for the States in this area. Accordingly, the Agency has decided to proceed with classification apart from the reregistration process.

In order to accomplish this goal as expeditiously as possible, the Administrator has established an optional procedure which will allow him, at his discretion to classify uses by means of rulemaking. This procedure will not necessarily apply to individual products or individual uses of individual products, but rather will provide for classification of uses by groups of products. Thus, the Administrator may describe a group comprised of all products which contain a particular active ingredient or contain a particular active ingredient in a particular concentration range, formulation type, or combination of concentration range and formulation type. He may then classify for restricted use some or all uses of the products in that group. This approach will be consistent with the generic registration authority being requested of the Congress.

The Agency wishes to emphasize that the establishment of this optional procedure for classification by regulation does not alter the status of classification as an integral part of the registration or reregistration processes. This is merely an optional procedure and, as explained more fully below, it will focus on the "incremental" risk/benefit analysis established by § 162.11(c). This will involve a comparison of restricted and unrestricted use, and a use will be classified if the incremental risks of unrestricted use outweigh the incremental benefits of unrestricted use. Classification is also appropriate if it will avoid the need to cancel a use of a pesticide in a situation where, but for the classification and imposition of restrictions, the risks of that use would exceed the benefits. That decision will require an evaluation of the overall risks and benefits associated with a use, and will be accomplished during the "rebuttable presumption against registration" (RPAR) process set forth in § 162.11 (a) and (b). Evaluations of overall risks and benefits will also occur in making decisions whether to register or reregister products, and classification decisions made in those contexts also may focus on reduction of overall risks. Moreover, since this optional procedure only involves an incremental, and not an overall risk/benefit analysis, a decision under the optional procedure to restrict (or not to restrict) a use of a product will not in any way imply that the product will (or will not) ultimately satisfy the statutory standards governing registration or reregistration.

In determining whether to classify a use of a group of products as restricted under this procedure, the Administrator shall apply the criteria specified in § 162.11(c) (1), (2), and (4). If these criteria for general use are not met, the Administrator will perform the incremental risk/benefit analysis outlined in § 162.11(c). This incremental risk/benefit analysis requires the Administrator to compare the incremental benefits of unrestricted use (those over and above the benefits of restricted use) with the incremental risks of unrestricted use (those over and above the risks of restricted use).

In evaluating the incremental risks of unrestricted use, the Administrator will focus on those risks which could be reduced by restriction. This would include reduction of risk to the applicator (by a requirement that the applicator be certified or under the direct supervision of a trained, certified applicator) as well as reduction of risk to non-applicators, fish and wildlife, and non-target species. Conversely, in evaluating the incremental benefits of unrestricted use, the Administrator will focus on benefits which would be lost if the use were restricted. The predominant factor here will be the extent to which the imposition of a restriction will limit access to, or the availability of, a product.

If the Administrator determines that the incremental risks of unrestricted use outweigh the incremental benefits from unrestricted use, he will classify the use as restricted. Before reaching a final decision to classify, however, the Administrator will also consider whether specific standardized language can be developed for incorporation on the labels

of products in the affected groups, which would be adequate to reduce the risk of unreasonable adverse effects on the environment so as to eliminate the need for restricted classification of use(s) of any product so labeled. If the Administrator affirmatively determines that such language has been developed, he shall not classify the use for restricted use.

If the Administrator tentatively determines to classify a use of a group of products as restricted, he will publish a notice of proposed rulemaking in the FEDERAL REGISTER describing the category of products, identifying the use proposed to be classified as restricted, and setting forth the nature of the proposed restrictions. These restrictions may include a limitation to application by or under the direct supervision of a certified applicator, or may take the form of any other regulatory restriction, including those described in § 162.11(c)(5). The notice will also contain a summary of the basis for the proposed classification and will state how an interested person may obtain further information concerning the basis for the proposed action.

After publication of the notice, there will be a comment period of at least 45 days during which a registrant or any other interested party may submit written comments on the proposed classification and the proposed restriction(s). These comments may specifically include any pertinent test data, including data relating to the criteria specified in § 162.11(c) (1), (2), and (4), and may suggest proposed label and labeling language for the group which, if contained in the label and labeling of any product in the group would, in the opinion of the commenter, eliminate the need for restricted use classification of that product. It should be stressed that any suggested language must be of general applicability to the entire group of products; the Agency will generally not review proposed modifications on an individual product-by-product basis as a part of this rulemaking.

After consideration of the comments received, the Administrator may publish a final rule in the FEDERAL REGISTER classifying a use of all products within a product group as restricted and establishing the use restrictions pertaining to that use. The final rule would also specify standardized language which, if contained in the label or labeling of any product in the group, will eliminate the need for restricted use classification of that product. The Administrator is required to notify by certified mail all registrants whose products may be affected by the restriction.

The Administrator has determined that there are compelling public interest reasons for these regulations to be made effective at this time without notice and opportunity for comment by the public. These regulations contain rules of Agency procedure. Section 553 (b) of the Administrative Procedure Act, Title 5, U.S.C., provides that all regulations governing procedure or practice may be published without the requirement of notice and opportunity for public comment. These regulations impose no new substantive requirements or standards for classification, but merely specify and explain the procedures that the Agency will use in classifying uses by regulation. These procedures shall take effect upon publication. Any delay in the effectiveness of these procedures may interfere with the orderly and timely classification of pesticide products by regulation.

Finally, the Agency has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Analysis Statement under Executive Orders 11821 and 11949 and OMB Circular A-107

Effective on September 1, 1977, Part 162 is amended as set forth below.

Dated: August 16, 1977.

DOUGLAS M. COSTLE,
Administrator.

(Secs. 3, 25(a), Federal Insecticide, Fungicide, and Rodenticide Act, as amended (7 U.S.C. 136 et seq.).)

Part 162 of 40 CFR is amended by adding the new § 162.30 to read as follows:

§ 162.30 Optional procedures for classification of pesticide uses by regulation.

(a) *Restricted use classification groups.* The Administrator may by regulation, describe a group of products having common characteristics, and may, by regulation, classify for restricted use (see FIFRA section 3(d)) some or all uses of all products included in that group. Such a group may be comprised of:

(1) Those products which contain active ingredients in common; or

(2) Those products which contain active ingredients in common and are in a particular concentration range, formulation type, or combination of concentration range and formulation type.

(b) *Criteria.* A use shall be classified for restricted use if the Administrator determines that the incremental risks of unrestricted use outweigh the incremental benefits of unrestricted use. The Administrator shall apply the criteria specified in § 162.11(c)(1), (2), and (4) to make this determination.

(c) *Procedure.* (1) If the Administrator preliminarily determines that some or all uses of a group of products should be classified for restricted use under this section, he shall publish a notice of proposed rulemaking in the FEDERAL REGISTER describing the group of products, the use(s) proposed to be classified as restricted, and the nature of the proposed restrictions. Such notice shall also set forth a summary of the basis for the proposed classification and state how an interested person may obtain further information concerning the basis for the proposed action.

(2) After publication of the notice in the FEDERAL REGISTER, a registrant or any other interested party may submit written comments on the proposed classification and the proposed restriction(s). Pertinent test data and other information may be submitted, as may proposed label and labeling language which, if contained in the label and labeling of any product in the group would, in the submitter's opinion, eliminate the need for a restricted use classification of the product. The comment period shall be not less than 45 days.

(3) After consideration of the comments received, the Administrator may publish a final rule in the FEDERAL REGISTER classifying a use as restricted and specifying the terms of restriction. The Administrator shall notify by certified mail all registrants whose products have uses that are restricted.

(4) The final rule may also specify language which, if contained in the label and labeling of any product in the group, would eliminate the need for a restricted use classification of the product.

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., June 15, 1977.

Mr. EDWIN JOHNSON,
Deputy Assistant Administrator, Office of Pesticide Programs, Environmental Protection Agency, Washington, D.C.

DEAR MR. JOHNSON: This letter is in response to your June 1, 1977 transmittal letter concerning the classification of restricted use pesticides by regulation. The Department supported the concept of classification by regulation in testimony before Congressional committees in April and June of this year. We have emphasized the need to implement the restricted use program on schedule and agree with EPA's opinion that the program cannot be initiated in a timely manner through the reregistration process. Accordingly, we continue to endorse the concept of establishing restricted use categories on the basis of regulations, and hope that these preliminary suggestions assist your agency in its consideration of this important topic.

1. The preamble to the proposed regulations states "that restriction will only have a minimal impact on availability because of the large number of certified applicators and the relative lack of difficulty of obtaining applicator certification." (p. 4). This statement may not adequately permit consideration of specific effects of a restricted classification for all uses, particularly the minor uses. We believe that deletion of the statement would avoid any appearance of pre-judgment of the effects of restricted use classification, and would permit greater agency flexibility in the classification program.

2. In 40 CFR 162.30 (a) through (c), as proposed states: "The Agency will not review proposed [label] modifications on an individual product-by-product basis" (p. 6). In our opinion there probably will be instances where individual product consideration may be beneficial. Accordingly, the proposal would better serve the public interest if the word "generally" were inserted between the words "not" and "review."

3. At page 2, in the Supplementary Information section, the foregoing problem is again emphasized. The proposed regulations provide that: "This procedure will not apply to individual products or individual uses of individual products, but rather will provide for classification of uses by groups of products." This deficiency can be remedied by inserting the word "necessarily" between the words "not" and "apply."

4. Under proposed § 162.30(i) it will be difficult to enforce equitably the requirement for relabeling of existing stocks at the retail level within the proposed periods. Therefore, we suggest that an extended time schedule be adopted as an effective date rather than

utilizing prosecutorial discretion regarding violations. It seems unfair to place a retail dealer in violation of the EPA regulations because he did not have time to relabel his inventory. State regulatory agencies that have had extensive experience with the problem of existing inventories have found it desirable to provide one year for compliance with relabeling requirements.

5. Proposed §§ 162.30(d) through (i) may limit the scope of the hearings provided by FIFRA under section 6(b)(1) regarding changes in classification and under section 3 on applications for registration. The rationale for the proposed regulation is that a previous opportunity to present evidence will have been provided by the agency through its notice of intent to classify products as restricted and the opportunity for comment on the proposal. The rule-making procedure might be improved by also providing for adjudicative procedure, where desired.

The Department appreciates this opportunity to comment on the proposed regulations for classification. We continue to believe that the standards for determining those pesticides and their uses that require restriction need to be amended. In some instances, the criteria in 40 CFR 162.11(c)(1), (2) and (4) are inappropriate and must be amended before the classification process to be established pursuant to these regulations can be reasonably accomplished. Finally, it must emphasize that we have not had time to complete a comprehensive evaluation of the actual proposed list of restricted uses of particular pesticides, and are, therefore, obliged to stress that we will present our opinions regarding that matter after your agency publishes the initial proposal.

Sincerely,

ERRETT DECK,
Coordinator, Office of Environmental Quality Activities.

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., June 20, 1977.

MR. EDWIN JOHNSON,
Deputy Assistant Administrator, Office of Pesticide Programs, U.S. Environmental Protection Agency, Washington, D.C.

DEAR MR. JOHNSON: In reviewing a copy of my June 16, 1977 letter regarding the classification of restricted uses of pesticides by regulation, I find that a paragraph of my rough draft was left out. This paragraph quoted below will provide you with approval for you to publish the proposed procedures and proposed restricted uses of pesticides as per your desired schedule.

"In order to expedite your publication of the proposed optional procedures as well as the final optional procedures, we will comment on both within the 15 days provided for final regulations. Although the Department has not had time to complete evaluation of the actual proposed restricted uses of certain pesticides, it is suggested that you proceed with the publication of the proposed restricted uses. We will be willing to assist your agency in the evaluation of the comments that are received on these uses prior to your final adoption."

Sincerely,

ERRETT DECK,
Coordinator, Office of Environmental Quality Activities.

July 19, 1977.

MR. ERRETT DECK,
Coordinator, Office of Environmental Quality Activities, U.S. Department of Agriculture, Washington, D.C.

DEAR MR. DECK: We have received your letter expressing your suggestions relating to the proposed regulations under Section 3(d) and 25(a) of FIFRA for the classification of pesticides. We greatly appreciate your cooperation and quick response on this topic. The mutual agreement to waive the statutory review periods will greatly speed up the implementation of this needed proram. Our response to your specific comments is noted below.

1. We accept your suggestion to delete this sentence to allow more flexibility in the classification program.

2. We accept your suggestion to add the word "generally" to that sentence. This also will provide for flexibility.

3. We accept your suggestion to insert the word "necessarily" to the specific sentence in keeping with suggestion No. 2 above.

4. We accept your suggestion to extend the time periods for the relabeling of pesticides. We have extended the time for relabeling at the retail level from 90 to 180 days. We also have changed the time schedule to function as an effective date rather than using prosecutorial discretion regarding violations. If the written comments strongly indicate that the relabeling deadlines be further extended, the Agency will consider such extension in promulgation of final regulations.

5. We have not changed the wording of proposed § 162.30(h) regarding the scope of hearings allowed under this procedure. The Agency wants to limit the scope of such hearing to prevent the introduction of unrelated issues at a hearing based on a classification issue. This approach will help to shorten lengthy administrative hearings.

Thank you again for working with us in implementing the classification program.

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

FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT (FIFRA)

SCIENTIFIC ADVISORY PANEL

Review of FIFRA Section 3(d) Draft Optional Procedures for Classification of Pesticide Uses by Regulations

The Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) Scientific Advisory Panel has completed review of final proposed rulemaking for classification of pesticide uses by regulation. Expedited procedures were followed throughout the review in order to assist the U.S. Environmental Protection Agency to rapidly move forward with a regulatory program on classification of pesticides which is a critical aspect of successful implementation of programs for certification of operators under Section 4(c)(4) of FIFRA.

In response to a request by EPA for scientific support while reviewing the document, the Panel conducted a series of open meetings to markup a progressively improving proposed regulation. Following each session, the Agency would appropriately amend the document in consideration of public comments and recommendations of the Panel. The Panel reviewed the classification of pesticides document and associated materials provided by EPA in support of the proposal in open meetings as follows: subcommittee meetings at Bryce Mountain, Va., during the period April 22–23, 1977, and April 29, 1977; and formal Panel review in Washington, D.C. during the period May 26–27, 1977. In addition, the Chairman and Vice-Chairman of the Advisory Panel met in Executive Session in Washington on July 7, 1977 to certify that the document reflecting final Agency Policy was appropriately amended in accordance with recommendations of the Panel and to conduct a final telephonic roll-call of the membership.

Maximum public participation was encouraged at all meetings. In addition to comments by representatives of EPA, public comments were received during the meetings from the pesticide industry, the U.S. Department of Agriculture, the Environmental Defense Fund, and representatives of the National Agricultural Chemicals Association. Public notice of all meetings was published in the FEDERAL REGISTER on April 7, 1977; May 11, 1977; and May 20, 1977. Written statements were received from the following sources: American Cyanamid Company, Chevron Chemical Company, Dow Chemical Company, E. I. duPont and Company, Mobay Chemical Company, Pennwalt Corporation, Union Carbide Corporation, and Velsicol Chemical Corporation.

On the basis of consideration of all matters brought during Panel meetings, matters brought out in written statements from the public, and careful review of the proposed regulations, the Panel submits the following report:

The FIFRA Scientific Advisory Panel feels that the document describing Optional Procedures for Classification of Pesticide Uses by Regulation, as written in the draft dated 30 June 1977, deals effectively with this procedure.

The Panel agrees with all proposed classification of pesticide uses as restricted except for aldicarb. Data currently available for review by the Panel on aldicarb does not warrant restriction of use of this product. The basis for restriction of use is the potential avian hazard of aldicarb. The Scientific Advisory Panel does not feel that the data reviewed by the Panel on this pesticide supports a demonstrated avian hazard as a result of the use of this product in the recommended manner. Additional comments relative to this potential hazard are solicited by the Panel.

A majority of the FIFRA Scientific Advisory Panel concurred in the above report following a special telephonic poll of the membership by Dr. Torgeson and Dr. Neal on July 7, 1977. No votes were recorded from Drs. Davies, Davis, and Metcalf due to their unavailability on the day of the poll.

For the Chairman.

Certified as an accurate report of findings:

H. WADE FOWLER, Jr., PH. D.,
Executive Secretary, FIFRA Scientific Advisory Panel.

U.S. ENVIRONMENTAL PROTECTION AGENCY,
Washington, D.C., July 21, 1977.

Subject: Review of Proposed Procedures for Classification of Pesticide Uses by Regulation.

From: Deputy Assistant Administrator for Pesticide Programs.

To: H. Wade Fowler, Jr., Ph.D., Executive Secretary, FIFRA Scientific Advisory Panel.

I have received the report of the Scientific Advisory Panel based on their review of the proposed procedures for the classification of pesticide uses by regulation. I am pleased with the manner and depth of review by the Panel. In addition, EPA is appreciative of the expeditious handling of this proposal. The review made by the Panel as well as the input received at their public review and in written statements aided greatly in the development of these regulations.

The Agency recognizes that the Panel does not agree with the decision of EPA's sci-

entific personnel to restrict some uses of aldicarb. I assume that this disagreement is limited to the agricultural uses of aldicarb and does not include the proposed restrictions for greenhouse and nursery uses. If this is not the case, please advise. To receive additional input on this issue the agency will propose to restrict uses of aldicarb in order to receive written comments from other parties. A final decision will be made after considering any additional written comments that may be received regarding the proposal.

Thank you again for your support on the classification document.

EDWIN L. JOHNSON.

[FR Doc.77-25417 Filed 8-31-77;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 162]

[FRL 769-8; OPP-30016]

CLASSIFICATION OF PESTICIDE USES BY REGULATION

Optional Procedures

AGENCY: Office of Pesticide Programs, Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: This proposed rule amends 40 CFR 162.30 and establishes the procedures to be followed by registrants after the promulgation of a final rule classifying a use of a pesticide product for restricted use. The purpose of this proposed rulemaking is to provide proposed deadlines for submittal of appropriate applications for amended registration, label, and labeling requirements for restricted use products, enforcement procedures, and a discussion of the hearing rights of pesticide registrants. This notice also proposes to amend 40 CFR 162.10 by deleting the requirement for applicator categories on the label and revising the restricted use classification label statement.

DATE: Comments must be received on or before October 3, 1977.

ADDRESS COMMENTS TO: Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460. Comments should be filed in triplicate and bear the identifying notation "OPP-30016." All written comments will be available for public inspection from 8:30 a.m. to 4 p.m. Monday through Friday.

FOR FURTHER INFORMATION CONTACT:

James H. White, Project Leader (WH-570), Office of Pesticide Programs, Environmental Protection Agency, Room E509A, 401 M Street, SW., Washington, D.C. 20460, 202-755-8297.

SUPPLEMENTARY INFORMATION: Three related documents are also published in this part of the FEDERAL REGISTER. Comments pertaining to all four documents are published as an appendix to the rulemaking document.

Subsections (a), (b), and (c) of § 162.30, which are published on and effective as of this date, established optional procedures for the classification of pesticide uses by regulation. These proposed subsections ((d), (e), (f), (g), (h), and (i)), which are also procedural in nature, relate to matters following the promulgation of a final rule classifying a use as restricted; compliance, amendments of registrations, labeling, hearing rights, and enforcement. Since these subsections will not be applicable until a use is actually restricted under the procedures outlined in subsections (a), (b), and (c), the Agency has determined, in the public interest, to specifically solicit comment on the subsections contained in this notice.

COMPLIANCE

Under the proposal, after publication of a final rule classifying a use of a group of products as restricted, the Administrator would issue a notice of intent to cancel the registration of a product in tha group unless the registrant, not later than 45 days after the effective date of the final rule, had submitted an appropriate application for amended registration based solely on the changes required in this regulation. No other types of amendments will be considered under this procedure.

The contents of that application would be determined by two factors. The first factor would be whether the final rule specified standardized language which, if contained in the label and labeling of any product in the group, would eliminate the need for restricted use classification of that product. If the final rule did specify such language, the application for amended registration could be based solely on a proposed label and proposed labeling which incorporated the standardized language.

The second factor would be whether or not all the uses of the product had been classified for restricted use. If all uses were restricted (and the final rule did not provide for standardized labeling language), the application for amended registration would have to be based solely on a proposed label and proposed labeling which complied with proposed § 162.30(g). The label would have to contain the statement of restricted use classification required by § 162.10(j)(2) and the labeling would have to contain directions for use which are consistent with the terms of restriction. The amended label could consist of an adhesive sticker which contains the statement of restricted use classification required by § 162.10(j)(2).

If some but not all uses had been classified for restricted use (and the final rule did not provide for standardized labeling language), the registrant would have two options. First, he might base his application for amended registration on a proposed label and labeling which complied with proposed § 162.30(g) with respect to the uses which had been classified as restricted; the label and labeling could also contain directions for use for the remaining, unclassified uses. The amended label could consist of an adhesive sticker which contains the statement of restricted use classification required by § 162.10(j)(2). According to 40 CFR 162.10(j) a product which bears directions for both restricted and unrestricted uses may only be sold to certified applicators or persons under their direct supervision. In addition, it would be a use inconsistent with the labeling for an individual, other than a certified applicator or someone under his direct supervision, to use such a product even for its unclassified uses. Second, the registrant might instead request that the existing registration be "split" into two registrations, one pertaining only to the uses which had been classified for restricted use, and the other pertaining only to the remaining unclassified uses. In this case, the application would request amendment of the existing registration to pertain to the restricted uses only or to the restricted uses and unclassified uses, and would propose a label and labeling for this registration which comply with proposed § 162.30(g). The amended label could consist of an adhesive sticker which contains the statement of restricted use classification required by § 162.10(j)(2). The application would also request issuance of a new registration number for the remaining unclassified uses. These types of registrations will not be handled as "new" registrations under 40 CFR 162.6 requiring the submission of new data nor considered as reregistrations of currently registered products. Rather, these types of requests will be handled routinely by issuing a new registration number without a data review.

A third option was considered, but is not included in these proposed regulations. Under that option, the registrant could request that the registration be amended to permit the product to be marketed under a label which would pertain only to uses that had not been classified for restricted use, but which would bear a legend stating that certain other uses are classified for restricted use, and which would refer the purchaser to the retailer for further information. There would also be supplementary restricted-use labeling which would comply with proposed § 162.30(g). An application under that option would include copies of both the label and the supplementary labeling intended to accompany the label; would state that the product will be marketed with the label, and that shipments of the product to retailers will include or be accompanied by the supplementary labeling; and would state that retailers will be instructed not to distribute or sell products bearing the supplementary labeling unless the retailer's customer furnishes suitable evidence that he is entitled to purchase pesticide products which have a use classified as restricted. That option would have the advantage of limiting the distribution, marketing, and storage problems which would be presented if the registrant had to distribute two products in order to comply with these regulations. It would be, however, a difficult option to implement and enforce. Consequently, it is not included in the regulations at this time, but the Agency is specifically soliciting comments respecting this or similar options.

The Administrator, in accordance with the procedures set out in § 162.6, would conditionally accept the proposed label and labeling submitted in support of an application for amended registration if he determined that they complied with applicable requirements.

In the case of an application for a new registration of a product which has a use classified as restricted, the Administrator would issue a notice of intent to deny registration unless the proposed label and labeling submitted as part of the application for new registration met the pertinent requirements of proposed

§ 162.30(d) (2) (i) or § 162.30(d) (2) (ii). Thus, an applicant for new registration would have two alternatives: he could propose a label and labeling which contain the standardized language specified in the final rule, if applicable; or he could propose a label and labeling which comply with proposed § 162.30(g) with respect to the uses which have been classified for restricted use and which may also contain directions for use for the remaining unclassified uses. A restricted use classification made under this regulation will generally apply to new registrations of that pesticide unless the applicant for a new registration submits new information that convinces the Agency that a particular use should not be restricted. If this happens, the Agency will propose to amend the regulation by removing that use from the restricted list.

CONSIDERATION OF DATA

Since the use of data by the Agency to classify a use of a registrant's product as restricted does not give advantage or benefit to the registrant, it is not "considered * * * in support of" an application for new or amended registration. Therefore, a registrant would not be required to offer (in applications made under paragraphs (d) and (e)) to compensate under FIFRA section 3(c) (1) (D) the owner(s) of the data used by the Agency to reach a decision under paragraph (b). Moreover, the Agency would be free to use data to reach such decisions despite allegations that the data is protected from disclosure to the public under FIFRA section 10(b).

HEARING RIGHTS

If the Administrator issued a notice of intent to cancel or deny registration, he would thereafter issue a final order of cancellation or denial of registration unless the registrant or applicant requested a hearing in accordance with Section 6(b) (1) or 3(c) (6) of FIFRA. However, the rulemaking proceeding under § 162.30(h) by then will already have provided an ample opportunity, during the comment period, for examination and challenge of the factual basis of the Administrator's proposed classification, for submission of relevant data relating to any risk criterion or to the risk/benefit analysis, and for submission of suggested label and labeling language which would eliminate the need for classification. Therefore, in the interest of promoting administrative efficiency and to avoid prolonged and duplicative evidentiary hearings, the hearing would be limited to the sole issue (as to which the registrant or applicant would have the affirmative burden of proof) of whether the registrant or applicant had submitted an application for new or amended registration which complied with the provisions of this section. If the registrant or applicant failed to sustain its burden of proof, the Administrator would issue a final order cancelling or denying registration.

ENFORCEMENT LIABILITIES

If any person fails to comply with any of the labeling requirements set out in this regulation, the product may be considered to be misbranded; misbranding violations will be handled under the regular enforcement proceedings contained in FIFRA.

Section 2(q) (2) (B) states that:

A pesticide is misbranded if the labeling does not contain a statement of the use classification under which the product is registered.

Section 12(a) (1) (E) makes it unlawful for any person in any State "to distribute, sell, offer for sale, hold for sale, ship, deliver or offer to deliver, to any person * * * any pesticide which is * * * misbranded."

Section 12(a) (2) (E) states that:

It shall be unlawful for any person who is a registrant, wholesaler, dealer, retailer, or other distributor to advertise a product registered under this Act for restricted use without giving the classification of the product assigned to it under Section 3.

Section 12(a) (2) (F) states that:

It shall be unlawful for any person to make available for use, or to use, any registered pesticide classified for restricted use for some or all purposes other than in accordance with section 3(d) and any regulations thereunder.

Registrants whose products have a use which has been classified for restricted use must comply with the time deadlines as set forth in this regulation. Failure to comply with the requirements of this regulation may subject registrants to civil penalties under Section 14(a) (1) or criminal penalties under Section 14(b) (1). Misbranded products may also be subject to a "stop sale, use or removal" order, or seizure, under Section 13 of FIFRA.

Within 90 days after a product's amended labeling has been conditionally accepted, registrants must affix the amended label to all quantities of such products within their control. The Agency considers products at the distributor level to be within the effective control of a registrant. Registrants are accordingly encouraged to distribute amended labeling to their customers in a timely manner, with directions on how such labeling is to be affixed. The amended labeling may be in the form of an adhesive sticker or an adhesive label to cover the old label until the use of the new labeling reaches each level of the distribution process. Registrants, by establishment, must also certify to the Agency that they have affixed such amended labeling to all quantities of such products within their control. After the 90 day period, no such product may be released for shipment by a registrant unless it bears the amended labeling.

Within 180 days after conditional acceptance of a restricted product's amended labeling, retailers or other persons engaged in the sale or distribution of the product must affix the amended labeling to all quantities of such products within their control. After the 180 day period, no such product may be sold or distributed unless it bears the amended labeling.

Any wholesaler, dealer, retailer, or other distributor who makes available any restricted use pesticide to applicators who are neither certified nor working under the supervision of a certified applicator would be in violation of Section 12(a) (2) (F) and subject to enforcement liability under Section 14 of FIFRA.

In advertising a pesticide, failure to properly include the classification of a restricted use pesticide is a violation of Section 12(a) (2) (E) and may subject a registrant, dealer, distributor, or other person engaged in the distribution or sale of an restricted use pesticide to enforcement action under Section 14.

The Agency recognizes that the deadlines contained in this regulation are short. In keeping with the general objective of achieving a smooth transition, the Agency intends to apply these requirements in a common sense manner.

LABEL WORDING

The Agency is also proposing to amend 40 CFR 162.10 by revising § 162.10(j) (2)-(i) (B). This amendment would change the wording of the statement which appears on the label of a restricted use pesticide to read: "For retail sale to and use only by Certified Applicators or persons under their direct supervision, and only for those uses covered by the Certified Applicator's certification." Certified applicators or persons under their direct supervision may not purchase or use restricted use pesticides for uses that are not covered by the applicator's certification. The purpose of the proposed change is to clarify that an applicator who is certified for one or more restricted uses of a product is not necessarily certified for all restricted uses of that product.

Finally, the Agency is proposing to delete 40 CFR 162.10(i) (2) (x) (D), which currently requires that the category or categories of certified applicator(s) to whom use is restricted be placed on the label. The Agency has determined that this requirement is unnecessary, since a certified applicator or person under his direct supervision is limited to those uses covered by the applicator's certification. In addition, the designation of the category of applicator on the label would administratively complicate the regulatory work of State officials, especially where subcategories have been instituted.

NOTE.—The Agency has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Analysis under Executive Order 11821 and 11949 and OMB Circular A-107.

Dated: August 16, 1977.

DOUGLAS M. COSTLE,
Administrator.

40 CFR Part 162 is proposed to be amended by deleting § 162.10(i) (2) (x)-(D) and by revising § 162.10(j) (2) (i) (B) to read as follows:

§ 162.10 Labeling requirements.

* * * * * * *

(j) * * *

(2) * * *

(i) * * *

(B) Directly below this statement on the front panel, a summary statement of the terms of the restriction shall appear. If use is restricted to certified applicators, the following statement is required: "For retail sale to and use only by Certified Applicators or persons under their direct supervision, and only for those uses covered by the Certified Applicator's certification." If, however, other regulatory restrictions are imposed, the Administrator will define the appropriate wording for the terms of the restriction by regulation.

It is proposed to amend Part 162 of 40 CFR by adding the following new paragraphs (d) through (i) to § 162.30 (Optional Procedures for Classification of Pesticide Uses by Regulation).

§ 162.30 Optional procedures for classification of pesticide uses by regulation.

* * * * *

(d) *Compliance: Currently registered products.* Unless the registrant submits an appropriate application for amended registration within 45 days after the effective date of the final rule, the Administrator shall issue a notice of intent to cancel the registration of a pesticide product which has a use classified under this section for restricted use.

(1) *Amended registration; all uses restricted.* If all uses of a product have been classified for restricted use, the application for amended registration shall be based solely on a proposed label and proposed labeling which:

(i) Contain the language specified in the final rule under paragraph (c) (4) of this section, if applicable; or

(ii) comply with paragraph (g) of this section.

(2) *Amended registration; some but not all uses restricted.* If some but not all uses of a product have been classified for restricted use, the application for amended registration shall:

(i) Be based solely on a proposed label and proposed labeling which contain the language specified in the final rule under paragraph (c) (4) of this section, if applicable; or,

(ii) Be based solely on a proposed label and proposed labeling which comply with paragraph (g) of this section with respect to the uses which have been classified as restricted, and which may also contain use directions for the remaining unclassified uses; or

(iii) Request that the registration be split into two registrations. One registration may pertain only to those uses that have been classified for restricted use or pertain to the uses which have been classified as restricted and which may also contain use directions for the remaining uses; the application shall propose a label and labeling for this product which comply with paragraph (g) of this section, and shall request amendment of the existing registration accordingly. The other registration shall pertain only to those uses not classified for restricted use; the application shall propose a label and labeling for this product, and shall request issuance of a new registration number for the product.

(3) *Conditional acceptance.* The Administrator, in accordance with § 162.6, shall conditionally accept the proposed label(s) and labeling submitted under paragraph (d) (1) or (d) (2) of this section, if he determines that they comply with the applicable requirements of this section.

(e) *Compliance: new products.* The Administrator shall issue a notice of intent to deny an application for registration of a new pesticide product, any use of which has been classified for restricted use under this section, unless the proposed product label(s) and labeling meet the pertinent requirements of paragraph (d) (2) (i) or (d) (2) (ii) of this section. An applicant may submit new data that indicates that a previously restricted use should not be restricted.

(f) *Consideration of data.* It is the Administrator's position that the fact that he relied upon an item of data in making a determination under paragraph (b) of this section would not mean that the item of data would thereby have been "* * * considered by the Administrator in support of any * * * application for registration * * *" within the meaning of Section 3(c) (1) (D) of the Act.

(g) *Label and labeling.* A pesticide product which has a use classified for restricted use shall bear a label which contains the statements of restricted use classification required by § 162.10(j) (2). Any labeling accompanying a pesticide product, any use of which has been classified for restricted use, shall contain directions for use which are consistent with the terms of the restriction.

(h) *Hearing rights.* If the Administrator issues a notice of intent to deny or cancel registration in accordance with paragraph (d) or (e) of this section, he shall issue a final order of denial or cancellation of registration unless the applicant or registrant, as provided by law:

(1) requests a hearing in accordance with section 3(c) (6) or 6(b) (1) of the Act, which hearing shall be limited to the sole issue of whether the applicant or registrant has submitted an application for new or amended registration which complies with the provisions of this section; and

(2) sustains the affirmative burden of proving that it has submitted an application for new or amended registration which complies with the provisions of this section.

(i) *Enforcement.* (1) No product classified for restricted use may be released for shipment by the registrant after the 90th day after receiving conditional acceptance of the amended labeling unless the product bears such amended labeling.

(2) No product classified for restricted use may be distributed or sold by a retailer or other person after the 180th day after the product's labeling has been conditionally accepted unless the product bears such amended labeling.

(3) Registrants must submit the following certification statement within 120 days after receiving conditional acceptance of amended labeling:

I certify that all pesticides within my effective control, which are subject to the regulations concerning the classification of pesticide uses found at § 162.30, have been labeled with the amended labeling submitted under § 162.30 (d) (1) or (d) (2).

This certification statement shall be submitted by each production establishment of the registrant to the Regional Office (% Regional Enforcement Director) having jurisdiction over the State in which the establishment is located.

(Secs., 3, 25(a), Federal Insecticide, Fungicide and Rodenticide Act, as amended (7 U.S.C. 136 et seq.).)

[FR Doc.77-25418 Filed 8-31-77;8:45 am]

[40 CFR Part 162]

[FRL 770-1; OPP-30017]

PESTICIDE USE RESTRICTIONS

AGENCY: Environmental Protection Agency, Office of Pesticide Programs.

ACTION: Proposed Rule.

SUMMARY: This proposed rule amends 40 CFR Part 162 by adding a new § 162.31, which lists uses of certain pesticide products that the Agency proposes to classify as restricted under the procedures of 40 CFR 162.30. The purpose is to notify and solicit comments from registrants, users and other interested parties on these proposed use restrictions.

DATE: Comments must be received on or before October 17, 1977.

ADDRESS COMMENTS TO: Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460. Comments should be filed in triplicate and bear the identifying notation "OPP-30017." All written comments will be available for public inspection from 8:30 a.m. to 4 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT:

James H. White, Project Leader (WH-570), Office of Pesticide Programs, Environmental Protection Agency, Room E509A, 401 M Street SW., Washington, D.C. 20460. (202-755-8297).

SUPPLEMENTARY INFORMATION: Three related documents are also published in this part of the FEDERAL REGISTER. Comments pertaining to all four documents are published as an appendix to the rulemaking document.

Section 3(d) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended, requires the Administrator to classify uses of pesticides as "general" or "restricted." The criteria for classifying a use are contained in 40 CFR 162.11(c). The procedures by which the Administrator may, by rulemaking, classify a use of a pesticide as "restricted" have been set out in § 162.30.

This rulemaking proceeding will allow interested persons to comment on, and propose modifications to, the Agency's proposed classification decisions. Following a forty-five day comment period,

EPA will carefully consider the information and data received, modify its proposed decisions as necessary, and publish in the FEDERAL REGISTER the Agency's final classification decisions relating to the pesticide uses under consideration.

DETERMINATION OF PRIORITIES

The Agency selected a set of potentially hazardous chemicals from those previously identified by the Office of Pesticide Programs as "Candidate Chemicals for Restricted Use" and concentrated on classifying the restricted uses of these chemicals at this time. This "candidate" list of chemicals was released on December 2, 1976, and written comments on the list were officially requested in the March 11, 1977, FEDERAL REGISTER Notice of "Intent to Develop a Regulation Regarding the Classification of Restricted Use Pesticides" (42 FR 13581). The criteria used to select the first set of chemicals primarily related to the toxicity of the active ingredient, the availability of data, the complexity of the classification decision, and the resources available for the classification effort. Prior to its release, the December list was reviewed and commented on by scientific groups from California, Indiana, New York, and North Carolina, as well as by a group of scientists assembled in Washington.

The December "candidate" list of active ingredients was compiled using two earlier lists of chemicals likely to have restricted uses. The purpose of these lists was to assist State regulatory and training officials in developing their certification and training programs required under section 4 of FIFRA, as amended. The earlier lists were intended to assist the State Lead Agencies and the Cooperative Extension Services in concentrating their efforts on those applicators of pesticides that would most likely need to be certified.

Chemicals were included on the earlier lists for three reasons:

(1) They exceeded the hazard indications of Toxicity Category I which are specified in 40 CFR 162.10(h);

(2) They were listed by State officials and the U.S. Department of Agriculture as chemicals with important agricultural uses; and

(3) One or more of the uses of each is currently being restricted by one or more States.

These factors were also considered when the December list was compiled and in determining the priority of chemicals proposed to be classified in this notice.

CLASSIFICATION CRITERIA AND PROCEDURES

The FIFRA requires the Administrator to classify a pesticide, or particular use or uses of a pesticide, as "restricted" if such use or uses may generally cause unreasonable adverse effects on the environment, including injury to the applicator. Adhering to these mandates, the Agency promulgated regulations on July 3, 1975, setting forth registration, reregistration and classification procedures (40 FR 28242). The criteria for classification are stated in § 162.11(c). These criteria relate to acute toxicity and subacute, chronic or delayed effects on man or other nontarget organisms (including mammalian and avian species, aquatic organisms, and nontarget plants). To apply these criteria, the Agency assembled a group of toxicologists and environmental specialists.

Their review included examination of data concerning mammalian acute oral LD50, acute inhalation LC50, acute dermal LD50, primary eye and skin effects, avian acute oral LD50, avian subacute dietary LC50, fish acute LC50 for cold and warm water species as necessitated under 162.11(c)(2).

The assembled material was reviewed by EPA toxicologists who determined classification based on potential hazards to humans and domestic animals under criteria outlined in § 162.(11)(c)(2). This review covered acute toxicity based on oral, dermal, inhalation and ocular routes of exposure. This was followed by a review conducted by fish and wildlife specialists of environmental hazards to nontarget organisms under the criteria outlined in § 162.11(c)(2). Data on toxicity to mammalian, avian and fish species were examined and a classification opinion provided.

If any of the uses of a chemical failed to meet the criteria for general use classification under § 162.11(c)(2), the reviewers proceeded to consider the adequacy of labeling under the procedures outlined in § 162.11(c)(3). Sample labels of products in a particular use group were reviewed to see if adequate labeling was present to remove that use from consideration as restricted.

Such removal is authorized if justified by the adequacy of label and label directions, the type of formulation, the method of packaging, or other factors that would reduce the potential hazard to the point where restriction is not warranted. The label samples did not indicate that adequate labeling was generally present for those uses which are now proposed to be restricted. This step was followed by a review of epidemiological studies, use history, accident data, monitoring data, or other evidence that could influence the classification decision as authorized under § 162.11(c)(4).

These opinions were then studied by review teams made up of both Agency personnel and outside experts, formed to deal separately with insecticides, rodenticides, fumigants, fungicides, and herbicides. The teams reviewed the classification opinions as well as the scientific support material.

Under § 162.11(c)(2), a use restriction is to be based on an incremental risk/benefit analysis. When a pesticide use fails to satisfy the general use criteria of §§ 162.11(c)(1) and 162.11(c)(2), a significant risk is indicated. The Agency presumes that a use restriction will reduce that risk. If there are no significant benefits of unrestricted use, any significant risk of unrestricted use would outweigh the benefits of unrestricted use. If the benefits of unrestricted use are significant, the benefit/risk analysis becomes more comprehensive. In applying this standard, the Agency found no significant benefits of unrestricted use that outweighed the risks of unrestricted use for those uses proposed to be classified as restricted by this notice.

These step-by-step reviews led to a tentative classification decision summary on each active ingredient. Comments on the decision summaries were received from several State Lead Agencies, State Cooperative Extension Services, as well as the U.S. Department of Agriculture, EPA Regional Offices, major manufacturers, user groups, environmental interest groups and selected scientists such as members of the Inter-Society Consortium for Plant Protection (ISCPP). The EPA teams refined the tentative classification decision summaries based on input from these groups. The decision summaries were then reviewed by the Registration Division product managers. Copies of the decision summaries may be obtained by specifying the active ingredient and writing to the Project Leader at the address cited above.

The proposed regulation lists the active ingredients and the formulations being considered, cites the criteria exceeded, and lists other supporting information on each active ingredient. By means of this proposed regulation, EPA is soliciting additional information through public comment that may be helpful in making the final classification decision. To be considered, this information must be received on or before October 17, 1977. Following review of the comments received in response to the proposed regulations, EPA will make its final classification decisions relative to the chemicals listed in the regulation.

STATUS OF CLASSIFICATIONS

This proposed regulation only serves to classify uses as restricted. If a use is not restricted by this regulation, it does not mean that it is classified as general under Section 3 of FIFRA. The Agency may at any time classify further uses as restrictive. New information received by the Agency may indicate that a use should be classified as restricted or general, or that cancellation action should be initiated. Pesticide uses not reviewed and/or classified at this time will be further prioritized on the basis of potential hazard and will be classified in the future, either by regulation or through the registration/reregistration process.

NOTE.—The Environmental Protection Agency has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Analysis under Executive Orders 11821 and 11949 and OMB Circular A-107.

Dated: August 16, 1977.

DOUGLAS M. COSTLE,
Administrator.

(Secs. 3(d), 25(a), Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (7 U.S.C. 136 et seq.).)

It is proposed to amend Part 162 of 40 CFR by adding a new § 162.31 to read as follows:

§ 162.31 Pesticide use restrictions.

The following uses of pesticides are restricted as specified under 162.30:

ACTIVE INGREDIENT	FORMULATION	USE PATTERN	CLASSIFICATION	CRITERIA INFLUENCING RESTRICTION
ACROLEIN	As sole active ingredient. No mixtures registered.	All uses	Restricted	Inhalation hazard to humans. Residue effects on avian species and aquatic organisms.
ACRYLONITRILE	In combination with carbon tetrachloride. No registrations as the sole active ingredient.	All uses	Restricted	Other hazards-accident history of both acrylonitrile and carbon tetrachloride products.
ALDICARB	As sole active ingredient. No mixtures registered.	All uses	Restricted	Outdoor uses-Residue effects on avian species. Indoor uses-Accident history.

ACTIVE INGREDIENT	FORMULATION	USE PATTERN	CLASSIFICATION	CRITERIA INFLUENCING RESTRICTION
ALLYL ALCOHOL	All formulations	All uses	Restricted	Acute dermal toxicity.
ALUMINUM PHOSPHIDE	As sole active ingredient. No mixtures registered.	All uses	Restricted	Inhalation hazard to humans.

ACTIVE INGREDIENT	FORMULATION	USE PATTERN	CLASSIFICATION	CRITERIA INFLUENCING RESTRICTION
AZINPHOS METHYL	All liquids with a concentration greater than 13.5%.	All uses	Restricted	Inhalation hazard to humans.
	All dusts and wettable powders	All uses	Restricted	Other hazards-use and accident history.
	All liquids with a concentration of 13.5% and below.	1) All domestic uses 2) All uses on orchards, citrus, nut crops, and ornamentals 3) All aerial applications Non-domestic ground uses except to orchards, citrus, nut crops, ornamentals, and cranberries.	1) Restricted 2) Restricted 3) Restricted Unclassified	1) Acute dermal toxicity. Acute oral toxicity. 2) Residue effects on mammalian species. 3) Effects on aquatic organisms from drift.

ACTIVE INGREDIENT	FORMULATION	USE PATTERN	CLASSIFICATION	CRITERIA INFLUENCING RESTRICTION
AZINPHOS METHYL (continued)	Liquid formulations 13.5% or less in combination with endrin, toxaphene, endosulfan.	All uses	Unclassified	Classification will be based on evaluation of the hazards of endrin, toxaphene, endosulfan.
	All formulations.	All aerial applications.	Restricted	Effects on aquatic organisms from drift.
	All formulations.	Cranberries	Restricted	Effects on aquatic organisms.
CALCIUM CYANIDE	As sole active ingredient. No mixtures registered.	All uses	Restricted	Inhalation hazard to humans.
DEMETON	1% fertilizer formulation, 1.985% granular formulation.	All uses, including domestic uses.	Restricted	Domestic uses — Acute oral toxicity. Acute dermal toxicity. Non-domestic outdoor uses-Residue effects on avian and mammalian species.
	All granular formulations, emulsifiable concentrates and concentrated solutions.	All uses	Restricted	Acute dermal toxicity. Residue effects on mammalian and avian species.

ACTIVE INGREDIENT	FORMULATION	USE PATTERN	CLASSIFICATION	CRITERIA INFLUENCING RESTRICTION
ENDRIN	All emulsions, dusts, wettable powders, pastes, and granular formulations 2% and above.	All uses	Restricted	Acute dermal toxicity. Hazard to non-target organisms.
	All concentrations less than 2%.	All uses	Restricted	Hazard to non-target organisms.
ETHYL PARATHION	All granular and dust formulations greater than 2%, fertilizer formulations, wettable powders, emulsifiable concentrates, concentrated suspensions, concentrated solutions.	All uses	Restricted	Inhalation hazard to humans. Acute dermal toxicity. Residue effects on mammalian, aquatic, avian species.
	Smoke fumigants	All uses	Restricted	Inhalation hazard to humans.
	Dust and granular formulations 2% and below.	All uses	Restricted	Other hazards-accident history.

ACTIVE INGREDIENT	FORMULATION	USE PATTERN	CLASSIFICATION	CRITERIA INFLUENCING RESTRICTION
FLUOROACETAMIDE/1081	As sole active ingredient in baits. No mixtures registered.	All uses.	Restricted	Acute oral toxicity.
HYDROCYANIC ACID	As sole active ingredient. No mixtures registered.	All uses	Restricted	Inhalation hazard to humans.
METHOMYL	As sole active ingredient in 1% to 2.5% baits (except 1% fly bait)	Non-domestic outdoors-agricultural crops, ornamental and turf. All other registered uses.	Restricted	Residue effects on mammalian species.
	All concentrated solution formulations.		Restricted	Other hazards-accident history.
	90% wettable powder formulations (not in water soluble bags)		Restricted	Other hazards-accident history.
	90% wettable powder formulation in water soluble bags.		Unclassified	
	All granular formulations.		Unclassified	

ACTIVE INGREDIENT	FORMULATION	USE PATTERN	CLASSIFICATION	CRITERIA INFLUENCING RESTRICTION
METHOMYL (continued)	25% wettable powder formulation.		Unclassified	
	In 1.24% - 2.5% dusts as sole active ingredient and in mixtures with fungicides and chlorinated hydrocarbon, inorganic, organic phosphate and biological insecticides		Unclassified	
METHYL BROMIDE	All formulations in containers greater than 1.5 lbs.	All uses	Restricted	Other hazards — accident history.
	Containers with not more than 1.5 lbs. of methyl bromide with 0.25% to 2.0% chloropicrin as an indicator.	Single applications (non-domestic use) for soil treatment in closed systems.	Unclassified	
	Container with not more than 1.5 lbs. having no indicator.	All uses	Restricted	Other hazards — accident history.

ACTIVE INGREDIENT	FORMULATION	USE PATTERN	CLASSIFICATION	CRITERIA INFLUENCING RESTRICTION
METHYL PARATHION	All dust and granular formulations less than 5%.	All uses	Restricted	Other hazards-accident history. All foliar applications restricted based on residue effects on mammalian and avian species.
	Microencapsulated	All uses	Restricted	Residue effects on avian species. Hazard to bees.
	All dust and granular formulations 5% and greater and all wettable powders and liquids.	All uses	Restricted	Acute dermal toxicity. Residue effects on mammalian and avian species.
MEVINPHOS	All emulsifiable concentrates and liquid concentrates.	All uses	Restricted	Acute dermal toxicity. Residue effects on mammalian and avian species.
	Psycodid filter fly liquid formulations.	All uses	Restricted	Acute dermal toxicity.
	2% Dusts	All uses	Restricted	Residue effects on mammalian and avian species.

ACTIVE INGREDIENT	FORMULATION	USE PATTERN	CLASSIFICATION	CRITERIA INFLUENCING RESTRICTION
PARAQUAT (dichloride) and PARAQUAT bis(methyl sulfate)	All formulations and concentrations except those listed below.	All uses	Restricted	Other hazards-Use and accident history, human toxicological data.
	Pressurized spray formulation containing .44% Paraquat bis(methyl sulfate) and 15% petroleum distillates as active ingredients.	Spot weed and grass control.	Unclassified	
	Liquid fertilizers containing concentrations of .025% Paraquat dichloride and .03% Atrazine; .03% Paraquat dichloride and .37% Atrazine, .04% Paraquat dichloride and .49% Atrazine.	All uses	Unclassified	

ACTIVE INGREDIENT	FORMULATION	USE PATTERN	CLASSIFICATION	CRITERIA INFLUENCING RESTRICTION
PICLORAM	All formulations and concentrations except Tordon 101 R.	All uses	Restricted	Hazard to non-target organisms (specifically non-target plants both crop and non-crop; and aquatic organisms). It should be noted that in addition to the above criteria considerable emphasis for restriction was based on the existing stewardship program restricting certain uses by the principal registrant and recurring reports of phytotoxicity to such economically important crops as tomatoes, potatoes, tobacco, legumes and succulent ornamentals caused by contaminated water supplies (1 ppb range) from runoff and leaching.
	Tordon 101 R Forestry Herbicide containing 5.4% Picloram and 20.9% 2,4-D.	Control of unwanted trees by cut surface treatment.	Unclassified	
SODIUM CYANIDE (Note: M-44 sodium cyanide capsules may only be used by certified applicators who have also taken the required additional training)	All capsules and ball formulations.	All uses	Restricted	Inhalation hazard to humans.
SODIUM FLUOROACETATE	All solutions and dry baits	All uses	Restricted	Acute oral toxicity. Hazard to non-target organisms. Use and accident history.

ACTIVE INGREDIENT	FORMULATION	USE PATTERN	CLASSIFICATION	CRITERIA INFLUENCING RESTRICTION
STRYCHNINE	All dry baits, pellets and powder formulations greater than .5%.	All uses	Restricted	Acute oral toxicity. Hazard to non-target avian species. Use and accident history.
	All dry baits, pellets and powder formulations.	All uses calling for burrow builders.	Restricted	Hazard to non-target organisms.
	All dry baits, pellets and powder formulations .5% and below.	All uses except subsoil. All subsoil uses.	Restricted Unclassified	Hazard to non-target organisms.
SULFOTEPP	Sprays and smoke generators.	All uses	Restricted	Inhalation hazard to humans.
TEPP	Emulsifiable concentrate formulations.	All uses	Restricted	Inhalation hazard to humans. Dermal hazard to humans. Residue effects on mammalian and avian species.

[FR Doc.77-25419 Filed 8-31-77;8:45 am]

[40 CFR Part 162]

[FRL 770-27; OPP-30018]

PESTICIDE USE RESTRICTIONS

Advance Notice of Proposal Rulemaking

AGENCY: Environmental Protection Agency, Office of Pesticide Programs.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: This notice lists certain pesticides whose uses may be proposed to be restricted under § 162.31. The purpose of this notice is to solicit more information on these chemicals so that the Agency can make an informed decision on whether or not to propose any use of these pesticides as restricted.

DATE: Comments must be received on or before October 3, 1977.

ADDRESS COMMENTS TO: Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, 401 "M" Street SW., Washington, D.C. 20460. Comments should be filed in triplicate and bear the identifying notation "OPP-30018." All written comments will be available from 8:30 a.m. to 4 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT:

James H. White, Project Leader (WH-570), Office of Pesticide Programs, Environmental Protection Agency, Room E509A, 401 M Street SW., Washington, D.C. 20460 202-755-8297.)

SUPPLEMENTARY INFORMATION: Three related documents are also published in this Part of the FEDERAL REGISTER. Comments pertaining to all four documents are published as an appendix to the rulemaking document.

Section 3(d) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended in 1972 and 1975 (Pub. L. 92-516, 86 Stat. 983; Pub. L. 94-140, 89 Stat. 755; 7 U.S.C. 136 et seq.), requires the Administrator to classify uses of pesticides as "general" or "restricted." The procedures which the Administrator may use to classify a use by regulation are set out in 40 CFR 162.30. Certain pesticide uses have been proposed to be restricted in 40 CFR 162.31. The Agency is currently considering proposing uses of certain other pesticides as restricted. These pesticides are considered by the Agency to have a high priority in the classification process.

The purpose of this notice is to solicit additional information in the form of written comments that would impact on the proposed classification decision. Information that would be valuable to this process includes technical data such as dermal and inhalation studies on specific formulations and the use history of the pesticide and its formulations. Use history would include accident reports involving injury to applicators, fish and wildlife or other non-target organisms. Also of interest would be reports on the positive aspects of pesticide usage, i.e., field experience with no discernible adverse effects.

In the past the Agency has formally requested additional information on certain chemicals under the authority of section 6(a)(2) of FIFRA. The Agency wants to avoid duplicate requests for information and the classification process will utilize any information previously submitted under 6(a)(2). Therefore, it will not be necessary for a registrant to resubmit any such information. Furthermore, the request for information under this notice is not a formal requirement for the registrants, but has been proposed merely to afford all interested parties a chance to submit any information they believe would impact on the classification decision of the chemicals cited in this section.

Interested persons are invited to submit their arguments or views with respect to any pesticide listed in this advance notice, together with any support data or documentation they may wish to submit on or before October 3, 1977.

The following is a list of chemicals to be considered next for classification:

Carbofuran
Carbon disulfide
Chlorfenvinphos
Chloropicrin
Clonitralid
Cycloheximide
Dicrotophos
Dimethoate
Dioxathion
Diquat
Disulfoton
Endosulfan
Endothall
EPN
Ethoprop
Ethyl 3-methyl-4-(methylthio) phenyl (1-methylethyl) phosphoramidate
Ethylene dibromide
Ethylene dichloride
Fensulfothion
Fenthion
Fonofos
Formaldehyde
Hexachlorobenzene
Methamidophos
Methidathion
Monocrotophos
Nicotine (alkaloid)
O,O-bis (p-chlorophenyl) acetimidoylphosphoramidothioate
Oxamyl
Oxydemeton methyl
Phorate
Phosphamidon
Phosphorus
Temephos
Terbufos
Toxaphene
Xlyene (aquatic uses)
Zinc phosphide

This advance notice of proposed rulemaking is issued under the authority of Section (40 CFR 162) of the amended FIFRA.

Dated: August 16, 1977.

DOUGLAS M. COSTLE,
Administrator.

[FR Doc.77-25420 Filed 8-31-77;8:45 am]

Federal Register

THURSDAY, SEPTEMBER 1, 1977
PART V

CONSUMER PRODUCT SAFETY COMMISSION

■

LEAD-CONTAINING PAINT

Banned Hazardous Products

Title 16—Commercial Practices

CHAPTER II—CONSUMER PRODUCT SAFETY COMMISSION

SUBCHAPTER B—CONSUMER PRODUCT SAFETY ACT REGULATIONS

PART 1145—REGULATION OF PRODUCTS SUBJECT TO OTHER ACTS UNDER THE CONSUMER PRODUCT SAFETY ACT

Lead-Containing Paint and Certain Consumer Products Bearing Lead-Containing Paint

AGENCY: Consumer Product Safety Commission.

ACTION: Final rule.

SUMMARY: The Commission issues a final rule determining that it is in the public interest to regulate lead-containing paint and certain consumer products bearing such paint under the Consumer Product Safety Act (CPSA) rather than the Federal Hazardous Substances Act (FHSA). (See also FR Doc. 77-25473 published elsewhere in this part of the FEDERAL REGISTER.) According to the CPSA, the Commission may not regulate under the CPSA a risk of injury that could be eliminated or reduced to a sufficient extent under the FHSA, unless the Commission finds by rule that it is in the public interest to do so.

EFFECTIVE DATE: This rule becomes effective February 28, 1978.

FOR FURTHER INFORMATION CONTACT:

Charles M. Jacobson, Directorate for Compliance and Enforcement, Consumer Product Safety Commission, Washington, D.C. 20207, phone 301-492-6400.

SUPPLEMENTARY INFORMATION:

BACKGROUND

On August 10, 1976, by publication of a notice in the FEDERAL REGISTER (41 FR 33636), the Commission proposed a rule finding, under section 30(d) of the Consumer Product Safety Act (15 U.S.C. 2079 (d), that it is in the public interest to regulate lead-containing paint and toys and furniture bearing such paint under the CPSA rather than under the Federal Hazardous Substances Act (FHSA) (15 U.S.C. 1261-1264). Section 30(d) of the CPSA, as amended by the Consumer Product Safety Commission Improvements Act of 1976 (Pub. L. 94-284; 90 Stat. 510), 15 U.S.C. 2079(d)), provides that:

> (d) A risk of injury which is associated with a consumer product and which could be eliminated or reduced to a sufficient extent by action under the Federal Hazardous Substances Act . . . may be regulated under [the CPSA] only if the Commission by rule finds that it is in the public interest to regulate such risk of injury under [the CPSA].

Also on August 10, 1976, the Commission proposed a regulation under the CPSA that would declare the following to be banned hazardous products (41 FR 33637): (1) lead-containing paint and similar surface-coating materials containing more than a safe level of lead, (2) toys, and other articles intended for use by children, bearing lead-containing paint and similar surface-coating materials containing more than a safe level of lead, and (3) articles of furniture bearing lead-containing paint or other similar surface-coating materials containing more than a safe level of lead. In the same document, the Commission also announced a proceeding under the 1976 amendments to the Lead-Based Paint Poisoning Prevention Act (LBPPPA) to determine a "safe level" of lead in paint.

The Commission also proposed to revoke the existing FHSA regulations that ban lead-containing paint above the 0.5 percent level and toys and other articles intended for use by children bearing such paint (16 CFR 1500.17(a)(6)) at the time any final CPSA regulations covering these products are issued in order to prevent an unnecessary duplication of regulations (41 FR 33640).

The Commission's rationale in the proposed 30(d) rule for proceeding under the CPSA rather than FHSA was that the LBPPPA required the Commission to determine a safe level of lead in paint within six months after June 23, 1976, and that the evidentiary hearing required for FHSA rulemaking would be too time consuming for LBPPPA purposes. In addition, the Commission noted that the requirement for an oral presentation of views under the CPSA and the requirement for an oral hearing under the LBPPPA are compatible and could be consolidated procedurally because both hearings are informal.

COMMENTS ON THE PROPOSAL

In response to the proposal, two comments were received.

The National Paint and Coatings Association (NPCA), in written and oral comments, suggested that the LBPPPA proceeding be consolidated with a proceeding under the FHSA rather than under the CPSA. The NPCA stated that evidentiary hearings are only required by the FHSA when objections based on reasonable grounds are filed to a regulation. The commenter went on to assert that if reasonable grounds are established by legally valid objections, then it is in the public interest to hold the evidentiary hearings.

In response to this comment, the Commission notes that the oral hearing held on September 13, 1976, on both the LBPPPA and CPSA matters provided ample opportunity for public participation in the rulemaking process, and the Commission does not agree that a formal hearing under the FHSA would be in the public interest. The September 13 hearing allowed a full range of opinions to be heard on the proposed rules. In addition, written rebuttal comments after the hearing were permitted. Thus, all interested persons were given the opportunity to fully participate in the proceedings, unhindered by the strictures of a formal evidentiary hearing.

In addition to written and oral comments on the proposal, public comment was solicited on a draft environmental impact statement, made public on February 4, 1977, that was submitted to the President's Council on Environmental Quality, pursuant to the provisions of the National Environmental Policy Act (42 U.S.C. 4321-4347). The draft statement posed a wide range of alternatives for regulating lead-containing paint and certain consumer products bearing such paint, thereby providing yet another forum for public input into the proposed rules.

The NPCA also stated that it was concerned that its pending petitions (see 37 FR 25849) to exempt certain products from the FHSA lead paint regulations will now have to be refiled, couched in terms that apply to the provisions of the CPSA. The Commission points out that the subject matter of all of the pending FHSA exemptions has been considered in issuing the CPSA banning regulation (see FR Doc. 77-25472, appearing elsewhere in this part of the FEDERAL REGISTER). Refiling of these petitions is, therefore, not necessary.

The only other commenter on the proposed rule, the Toy Manufacturers of America, Inc., supported the consolidation of proceedings under the LBPPPA and CPSA pursuant to section 30(d) and the issuance of a final banning regulation under the CPSA.

Accordingly, the Commission finds that the public interest requires the regulation of lead-containing paint and certain other consumer products bearing such paint under the provisions of the CPSA rather than the FHSA. Therefore, pursuant to section 30(d) of the Consumer Product Safety Act (Sec. 30(d), Pub. L. 92-573, 86 Stat. 1231, as amended 90 Stat. 510; 15 U.S.C. 2079(d)), the Commission amends Title 16, Chapter II, by adding to Subchapter B a new Part 1145, reading as follows:

Sec.
1145.1 Scope.
1145.2 Paint (and other similar surface-coating materials) containing lead; toys, children's articles, and articles of furniture bearing such paint (or similar surface-coating materials); risk of lead poisoning.

AUTHORITY: Sec. 30(d), Pub. L. 92-573, 86 Stat. 1231, as amended 90 Stat. 510; 15 U.S.C. 2079(d).

§ 1145.1 Scope.

In this Part 1145, the Commission establishes rules which provide that risks of injury associated with consumer products that could be eliminated or reduced to a sufficient extent by action under the Federal Hazardous Substances Act (FHSA) (15 U.S.C. 1261-1274), the Poison Prevention Packaging Act of 1970 (PPPA) (15 U.S.C. 1471-1476), or the Flammable Fabrics Act (FFA) (15 U.S.C. 1191-1204) will be regulated under the Consumer Product Safety Act (CPSA) (15 U.S.C. 2051-2081). Section 30(d) of the CPSA, as amended, provides that a risk of injury which is associated with a consumer product and which could be eliminated or reduced to a sufficient extent by action under the FHSA, PPPA, or the FFA may be regulated under this act

only if the Commission by rule finds it is in the public interest to regulate such risk of injury under this act.

§ 1145.2 Paint (and other similar surface-coating materials) containing lead; toys, children's articles, and articles of furniture bearing such paint (or similar surface-coating materials); risk of lead poisoning.

(a) The Commission finds that it is in the public interest to reduce the risk of lead poisoning to young children from the ingestion of paint and other similar surface-coating materials by action under the Consumer Product Safety Act rather than under the Federal Hazardous Substances Act because of the desirability of consolidating the public procedures related to such regulation with the proceeding to determine a safe level of lead under the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4801–4846), as amended by the National Consumer Health Information and Health Promotion Act of 1976 (Pub. L. 94–317; 90 Stat. 705–706). Consolidation of these proceedings facilitates greater public participation and a more expeditious resolution of the issues.

(b) Paint an dother similar surface-coating materials containing lead and toys, children's articles, and articles of furniture bearing such paint or other similar surface-coating materials that present a risk of lead poisoning to young children by ingestion shall therefore be regulated under the Consumer Product Safety Act. Such regulation shall include all directly related pending and future rulemaking, as well as all directly related pending and future action on petitions.

Effective date: This Part shall become effective February 28, 1978.

(Authority: Sec. 30(d), Pub. L. 92–573, 86 Stat. 1231, as amended 90 Stat. 510; 15 U.S.C. 2079(d)).

Dated: August 26, 1977.

RICHARD E. RAPPS,
Secretary, Consumer Product Safety Commission.

[FR Doc.77-25471 Filed 8-31-77;8:45 am]

SUBCHAPTER B—CONSUMER PRODUCT SAFETY ACT REGULATIONS

PART 1303—LEAD-CONTAINING PAINT AND CERTAIN CONSUMER PRODUCTS BEARING LEAD-CONTAINING PAINT

Establishment as Banned Hazardous Products

AGENCY: Consumer Product Safety Commission.

ACTION: Final rule.

SUMMARY: In this document, the Commission declares that the following products are banned hazardous products under the Consumer Product Safety Act:

1. Paint and other similar surface-coating materials containing more than 0.06 percent lead.

2. Toys, and other articles intended for use by children, bearing paint or other similar surface-coating materials containing more than 0.06 percent lead.

3. Furniture articles bearing paint or other similar surface-coating materials containing more than 0.06 percent lead.

The Commission issues this ban in order to eliminate or reduce the unreasonable risk of injury associated with lead poisoning in children.

DATES: Effective date: The regulation issued below applies to the enumerated products that are manufactured after February 27, 1978.

ADDRESSES: All material which the Commission has that is relevant to this rule may be seen in, or copies obtained from, the Office of the Secretary, Consumer Product Safety Commission, 3rd Floor, 1111 18th Street, Washington, D.C. 20207.

FOR FURTHER INFORMATION, CONTACT:

Charles M. Jacobson, Directorate for Compliance and Enforcement, Consumer Product Safety Commission, Washington, D.C. 20207, telephone 301–492–6400.

SUPPLEMENTARY INFORMATION:

BACKGROUND

On August 10, 1976, the Commission proposed a rule (16 CFR Part 1150, issued below as 16 CFR Part 1303) to declare the following products to be banned hazardous products under the Consumer Product Safety Act (CPSA): (1) paint and similar surface-coating materials containing more than a safe level of lead, (2) toys and other articles intended for use by children, that bear paint or other similar surface-coating materials containing more than a safe level of lead, and (3) furniture articles bearing paint or other similar surface-coating materials containing more than a safe level of lead (41 FR 33637). What would be deemed to be a "safe level" was proposed to be a percentage that would be determined by the Commission in a proceeding conducted, after the proposal, under the Lead-Based Paint Poisoning Prevention Act (LBPPPA), as amended (42 U.S.C. 4801–4846). This proceeding under the LBPPPA was also initiated by a notice in the August 10, 1976, issue of the FEDERAL REGISTER (41 FR 33636). A detailed history of the Commission's involvement with proceedings to regulate lead-based paint is given in the preamble of the FEDERAL REGISTER notice that proposed the ban under the CPSA (41 FR 33637) and in section I-A of the Final Environmental Impact Statement on Lead Content in Paint, copies of which may be obtained from the Office of the Secretary.

The LBPPPA, as amended by the National Consumer Health Information and Health Protection Act of 1976 (Pub. L. 94–317), directed the Commission to determine, by December 23, 1976, whether a level of lead in excess of 0.06 percent but not over 0.5 percent, was safe. If the Commission were unable to determine a safe level of lead in this range, paint manufactured after June 22, 1977, containing more than 0.06 percent lead would be considered "lead-based paint." As explained in the FEDERAL REGISTER of February 16, 1977 (42 FR 9404), the Commission, after holding a hearing and considering comments on the issue, determined (on December 16, 1976) that the available data and information did not support a finding that a level of lead in paint above 0.06 percent but not over 0.5 percent is safe. Accordingly, the congressionally-established definition of "lead-based paint" under the LBPPPA as paint having more than 0.06 percent lead became automatically effective on June 23, 1977. The LBPPPA as amended directs the Department of Health, Education, and Welfare to take action with respect to lead-based paint on cooking, eating, and drinking utensils, and the Department of Housing and Urban Development is directed to take action with respect to lead-based paint in residential structures constructed or rehabilitated with Federal assistance. The Consumer Product Safety Commission is directed to "take such steps and impose such conditions as may be necessary or appropriate to prohibit the application of lead-based paint to any toy or furniture article."

The Commission proposed 16 CFR Part 1150 (now Part 1303) in order to reduce the unreasonable risk of injury associated with lead-containing paint having more than a safe level of lead. The setting of the 0.06 percent definition of lead-based paint as the level to be regulated by Part 1303 is intended to accomplish this result, and it will also comply with the directive of the LBPPPA that the Commission should take steps to prohibit the application of lead-based paint to any toy or furniture article. It should be noted, however, that the Commission's action is broader than the LBPPPA's directive in that the paint itself is declared to be a banned hazardous product, as are articles, other than toys, intended for the use of children.

CU PETITION

The Commission's action has the effect of granting a petition filed February 24, 1975, by Consumers Union, requesting a regulation that would ban household paint and toys or other children's articles bearing paint containing more than 0.06 percent lead. (Petition numbers CP 75–15 and HP 75–14.)

FHSA REGULATIONS

There is a regulation currently in effect under the Federal Hazardous Substances Act (FHSA), 15 U.S.C. 1261–1274, that declares household paints and other similar surface-coating materials containing more than 0.5 percent lead to be banned hazardous substances (16 CFR 1500.17(a)(6)). In addition, toys, and other articles intended for use by children, bearing such paint or similar surface-coating materials, are banned. Artists' paints and related materials were subsequently exempted from this regulation. A provision that would have been effective January 1, 1974, to reduce the allowable lead content in these substances to 0.06 percent was stayed by the Food and Drug Administration (FDA) on August 10, 1972 (37 FR 16078), and subsequently by the Commission on December 27, 1973 (38 FR 35302) and December

9, 1974 (39 FR 42902). (The Commission assumed the functions under the FHSA from the FDA on May 14, 1973.)

Before the functions under the FHSA were transferred to the CPSC, the National Paint and Coatings Association (NPCA), a trade association representing the surface coatings manufacturing industry, petitioned the FDA to amend 21 CFR 191.9 (a) (6) (now 16 CFR 1500.-17(a) (6)) to exempt the lead-containing coatings listed below from classification as banned hazardous substances for consumer use.

1. Automotive, agricultural, and industrial equipment refinish coatings.
2. Industrial (and commercial) building and equipment maintenance coatings, including traffic and safety marking coatings.
3. Graphic arts coatings (products marketed solely for application on billboards, road signs, and similar uses and for identification marking in industrial buildings).
4. Touch-up coatings for automobiles, agricultural and industrial equipment, lawn and garden equipment, boats, outboard motors, motorized recreational vehicles, and appliances.
5. Exterior marine coatings for small craft application.
6. Exterior rubber-based roof coatings.
7. Exterior primer coatings for wood siding containing extractives (products marketed solely for application on redwood and cedar).

On December 5, 1972, FDA published in the FEDERAL REGISTER (37 FR 25849) a proposal to exempt these seven types of coatings from classification as banned hazardous substances. This notice also stayed the regulation's applicability to these products pending the issuance of the final exemption regulation. In addition, as requested by NPCA's petition, it was proposed that these products have the following inscriptions on their labels:

WARNING

CONTAINS LEAD. DRIED FILM OF THIS PAINT MAY BE HARMFUL IF EATEN OR CHEWED.

Do not apply on toys and other children's articles, furniture, or interior surfaces of any dwelling or facility which may be occupied or used by children.

Do not apply on those exterior surfaces of dwelling units, such as window sills, porches, stairs, or railings to which children may be commonly exposed.

Keep out of reach of children.

To date, this proposal has not been acted upon by FDA or CPSC (which assumed jurisdiction over the FHSA regulation in 1973). Although, as explained below, the Commission is issuing 16 CFR Part 1303 under the authority of the Consumer Product Safety Act (CPSA), 15 U.S.C. 2051–2081, the Commission has considered the merits of these requests for exemptions in issuing Part 1303. An explanation of the Commission's reasons for granting or denying each exemption is given below under the heading "NPCA Exemption Requests."

It should be noted, however, that 16 CFR Part 1303, issued below, is broader than the existing FHSA regulation in that Part 1303 also applies to furniture articles bearing paint or similar surface-coating material containing more than 0.06 percent lead.

During the time that Part 1303 is effective, the present regulations under the FHSA will be revoked (see FR Doc. 77–25473 published elsewhere in this part of the FEDERAL REGISTER).

CPSA RULE

In the August 10, 1976, FEDERAL REGISTER notice that proposed the ban under the CPSA, the Commission also proposed a rule (16 CFR Part 1145), which would constitute the Commission's finding that it is in the public interest to regulate paint and other similar surface-coating materials, and toys, children's articles, and furniture articles bearing such paint or other similarly surface-coating materials, under the Consumer Product Safety Act rather than the Federal Hazardous Substances Act. Section 30(d) of the CPSA requires the Commission to make the finding, by rule, before it may regulate, under the CPSA, a risk of injury which could be eliminated to a sufficient extent by action under the FHSA. In FR Doc. 77–25471, published elsewhere in the Rules and Regulations section of this issue of the FEDERAL REGISTER, the Commission has issued this rule.

Section 9(a) (2) of the CPSA provides that the Commission shall give interested persons an opportunity for the oral presentation of data, views, or arguments relating to the proposal of a ban, in addition to an opportunity to make written submissions. The oral proceeding for comments on the proposed ban was held on September 13, 1976, and was combined with the oral hearing for the LBPPPA proceeding to determine if a safe level of lead between 0.06 percent and 0.5 percent could be ascertained. The comments that were made on the proposal in that hearing are addressed below in the section of this notice entitled "Safe Level of Lead in Paint, on Toys and on Furniture".

Pursuant to section 9(a) (1) of the CPSA, the date by which the Commission must either issue a rule or withdraw the proposal has been extended to September 2, 1977, for the reasons stated in FEDERAL REGISTER notices published October 6, 1976 (41 FR 44126), and July 7, 1977 (42 FR 34892).

SUMMARY OF COMMENTS

The Commission received 58 comments on its August 10, 1976, proposal to ban lead-containing paint for consumer use and certain consumer products bearing such paint. In addition, over 200 comments were received on the December 5, 1972, Food and Drug Administration proposal (37 FR 25849) to exempt 7 types of paints and coatings from classification as banned hazardous substances under the FHSA. As previously discussed, those 7 exemptions were never finally acted upon, although the regulation was stayed as to these products. The comments on the 7 exemption requests are analyzed below, and exemptions to the final CPSA ban are granted or denied based on the merits of the requests for FHSA exemptions. The issues raised by the comments and the Commission's reasons why the Commission did or did not change the proposal in response to the comments are explained below.

1. *Safe Level of Lead in Paint, on Toys and on Furniture.* In the FEDERAL REGISTER of August 10, 1976, the Commission proposed to regulate lead-containing paint at the LBPPPA level for consumer product paints and for toys, other articles for use by children, and furniture bearing such paint. On February 16, 1977 (42 FR 9404), the Commission announced its decision (of December 16, 1976) under the LBPPPA that the available scientific information is insufficient to determine if a level of lead in paint above 0.06 percent but not over 0.5 percent is safe.

Prior to the December 16, 1976, decision, the Commission received many comments on the danger to children of lead in paint, and in particular on the question of what percentage level of lead in paint should be allowed in any regulation issued by the Commission. The February 16, 1977 document discusses these comments. They are also briefly summarized below.

The National Academy of Sciences (NAS), in a report submitted to the Commission entitled Recommendations for the Prevention of Lead Poisoning in Children, stated that a 0.5 percent lead in paint level represents a hazard to children with pica for paint and specifically recommended that the deliberate addition of lead to paint for residential buildings or other surfaces accessible to children be immediately discontinued and that a level not to exceed 0.06 percent lead in the final dried product be set for regulatory purposes. The NAS Report criticized the animal studies conducted for the CPSC in 1974 that recommended a 0.5 perecnt limit for not adequately simulating the conditions found in young children. (See, T. Kneip, et al., Lead Toxicity Studies in Infant Baboons—A Toxicological Model for Childhood Lead Poisoning, Draft of Final Report, N.Y. Institute of Environmental Medicine, November 1974; R. Purdy, et al., Toxicological Investigation of Chronic Lead Paint Ingestion in the Juvenile Baboon, Final Report, Southwest Foundation for Research and Education, Dec. 1974.)

Comments from the Center for Disease Control of the Department of Health, Education, and Welfare, urged the Commission to adopt a level below 0.5 percent. The Center for Disease Control stated that they believed a 0.06 percent level to be achievable and enforceable. In addition, several medical experts, and several consumer groups expressed opinions in support of the 0.06 percent lead level.

The National Paint and Coatings Association (MPCA) stated it would support a standard of "no lead intentionally added in the formulation of the product". They suggested, however, that a level of 0.2 percent would be necessary in order to provide a margin for inadvertent contamination of paint with lead.

Representatives of the toy industry recommended adoption of a 0.25 percent lead level, primarily to achieve uniformity with certain foreign standards. Neither the NPCA nor those representing the toy industry, however, provided toxicity data to support a determination that the suggested levels were safe.

Two commenters stated that the ultimate objective is to manufacture lead-free paint, but they recognized that, for the present, a 0.06 percent level is more practical because an allowance must be made for possible lead contamination of raw materials and manufacturing equipment.

Having considered all comments, written and oral with respect to the determination of a safe level of lead in paint for purposes of a CPSA banning regulation, the Commission sees no reason to deviate from its proposal to use the LBPPPA safe level for lead in paint as the maximum allowable lead content in this banning regulation. The Commission points out that it is unaware of any data or information sufficient to establish the safety of lead at a level over 0.06 percent.

As far as the problem of inadvertent contamination of paint with lead is concerned, the Commission notes that NPCA itself has stated that most current consumer paints comply with a 0.06 percent level. More stringent housekeeping practices by manufacturers should bring the other paints within the prescribed limit. This issue is further discussed in the section of this preamble entitled "Economic Considerations".

Finally, the Commission cannot ignore the legislative mandate embodied in the LBPPPA, which strongly suggests that no level higher than 0.06 percent lead in paint is safe by mandating a 0.06 percent standard in the absence of an affirmative finding that a higher level is safe. Consequently, for purposes of this CPSA regulation, consumer product paints containing more than 0.06 percent lead and toys and other children's articles and furniture bearing such paint are banned hazardous products.

2. *Scope.* In response to the proposal of August 10, 1976, industry representatives asked that certain items of furniture and certain paints be excluded from the ban.

Several commenters requested that metal furniture, including metal chests, desks, and bed frames be excluded from the furniture that would be banned by the proposal. The commenters stated that the coatings on this furniture are resistant to chewing by children since they are baked on at high temperatures, making them hard and durable.

The Commission declines to exempt metal furniture because it has not received sufficient data to justify an exemption. The Commission points out, however, that manufacturers of metal furniture may petition for an exemption of such articles in accordance with the criteria set out in the section of this Preamble entitled "Future Exemption Requests".

Commenters also requested that home appliances, such as ranges, refrigerators, and dishwashers, fixtures such as bathroom fixtures, toilet seats, kitchen cabinets, and lighting fixtures be excluded from the scope of the ban. The reasons given for these requests were that coatings on appliances and fixtures are hard and durable and tightly adhere to the products, making it difficult for children to chew or chip the coatings by biting.

The Commission notes that because the August 10, 1976 proposal contained no definition of the term "furniture article," there has apparently been some confusion as to the coverage of the term. The Commission points out that it does not consider appliances or fixtures to be furniture. Therefore, the items are outside the scope of this banning regulation.

Several commenters suggested that window shades, wall hangings, venetian blinds and similar items should be excluded from the ban. The Commission does not consider these items to be furniture, so they are therefore not within the scope of the regulation.

The NPCA and some manufacturers asked that mirrors with lead-containing mirror backing paint be exempted from the ban because there is no history of the paint having been ingested by children, the paint is inaccessible, and the paint itself is not sold to consumers. In addition, the lead is important as an anti-corrosive and adhesive. The commenters note that while the life of a mirror without a backing of lead-containing paint is only 2 or 3 years, the life of a mirror with such a backing is estimated at 25 to 40 years.

The Commission agrees with the commenters' arguments. Since mirrors which are part of furniture articles are furniture within the scope of the ban, the Commission grants an exemption for such mirrors which have lead-containing backing paint. The Commission notes, however, that this exemption only extends to the mirror itself; a wooden frame around a mirror, for instance, must comply with the provisions of this regulation.

The Commission has also decided to exempt artists' paints and related materials from the regulation. The Commission proposed to exempt this category of paints in the August 10, 1976 document, and these products are exempted from the FHSA regulation (16 CFR 1500.17(a)(6)(i)(D)) that currently bans paints containing more than 0.5 percent lead and toys and other children's articles bearing such paint. The Commission notes that over the years it has not been made aware of any problems resulting from the FHSA exemption and concludes that the exemption should be continued in effect.

3. *NPCA Exemption Requests.* As previously mentioned in the FEDERAL REGISTER of December 5, 1972 (37 FR 25849), the Food and Drug Administration, published in response to a petition by the National Paint and Coatings Association, seven proposed exemptions from the banning regulation on lead-containing paints and other similar surface-coating materials that had been issued under the Federal Hazardous Substances Act (FHSA). The seven proposed exemptions involve certain refinish coatings, industrial maintenance coatings, graphic arts coatings, touchup coatings, exterior marine coatings, exterior roof coatings, and exterior primer coatings. These are further identified below. Mandatory cautionary labeling for the subject products was also proposed.

Effective May 14, 1973, functions under the FHSA were transferred to the Consumer Product Safety Commission by section 30(a) of the Consumer Product Safety Act (15 U.S.C. 2079(a)). The Commission has considered the merits of the December 5, 1972, proposal in this CPSA regulation. Over 200 comments were received on the proposed exemptions. While 115 of the comments generally supported the proposals, others were critical of various aspects of the proposed exemptions. The principal issues raised and the Commission's conclusions are as follows:

(a) *Automotive, agricultural, and industrial equipment refinish coatings.* Many commenters stated that because these products are not generally distributed through consumer channels and because they are applied on surfaces generally not accessible to children, the possibility of ingestion of lead-containing paint chips by children is extremely remote. The commenters further pointed out that these special coatings are so expensive compared to household paints that it is highly unlikely that they would be used on either the interior or exterior of a house.

A public interest research group disagreed with the proponents of this proposed exemption because it believes that there is no guarantee that children will not acquire lead in their blood from these products, even though they may not be generally available in or around the household. However, those favoring the exemption maintain that the proposed cautionary labeling would effectively protect people from using such coatings on home surfaces or other surfaces accessible to children.

The Commission notes that since this regulation is being promulgated under the CPSA, the Commission's rulemaking powers are limited to articles which are "consumer products". Section 3(a)(1)(C) of the CPSA specifies that "motor vehicles and motor vehicle equipment" are excluded from the scope of the act. National Highway Traffic Safety Administration (NHTSA) attorneys have informed the Commission that paint specifically for use on automobiles is "motor vehicle equipment" under NHTSA jurisdiction. Therefore, since automotive coatings are excluded from Commission jurisdiction under the CPSA, no exemption for them need be granted. The coatings are outside the scope of this regulation.

Nevertheless, agricultural and industrial equipment refinish coatings, to the extent they are customarily available to

consumers, are within the Commission's regulatory power under the CPSA. With regard to these two types of coatings, the Commission concludes that they pose no substantial hazard to children because the products on which they are used are not generally accessible to children and therefore, these coatings are exempted from the regulation, provided they are labeled in accordance with section 1303.3 (a).

(b) *Industrial (and commercial) building and equipment maintenance coatings, including traffic and safety marking coatings.* Industrial paints consist of glossy enamels and red lead primers and are used on machinery, equipment, steel doors and frames, and steel structural members and as safety marking paint. Commercial building maintenance coatings include a wide range of paints for use on plumbing, electrical conduits and equipment, steel doors, as well as exposed steel structural members.

Nearly all the responses received favored exempting these coatings. Since the coatings, commenters reasoned, are applied to surfaces which are not likely to be chewed by children, such as highways and bridges, they cannot be viewed as creating a substantial hazard to children. Many commenters also noted that lead-containing pigments, such as red lead, are essential in aiding against corrosion and weathering of industrial and commercial buildings and equipment. In addition, they pointed out that no satisfactory substitute for yellow lead chromate has been found for use in traffic paint.

A contrary view expressed by some commenters is that, while these products are not customarily produced or distributed for sale to or for use by consumers nor easily accessible to children, the small-size packaging of these special coatings makes them available to the consuming public and thus accessible to children. Also, a building which is industrial or commercial may later become residential. However, those in favor of the exemption stated that precautionary labeling would prevent any misuse of such coatings in the home.

While most industrial and commercial maintenance coatings are not available to consumers and therefore are not "consumer products" within the scope of the ban, the Commission realizes that some industrial and commercial coatings may be customarily sold to consumers through retail or wholesale sources or otherwise made available for their use. The Commission believes, however, that the likelihood that these consumer products will be used on surfaces accessible to children is small. In addition, the Commission believes that the precautionary labeling provisions of section 1303.3(a) which inform consumers of the areas on which the paints may not safely be applied, will adequately address any danger of misuse of these products.

The Commission recognizes the importance of red lead primers in preventing the corrosion of steel structures and yellow lead chromate in insuring the durability and brilliance of traffic paint. Therefore, the Commission agrees to exempt the subject coatings.

(c) *Graphic art coatings (products marketed solely for application on billboards, road signs and similar uses and for identification marking in industrial buildings.)* Most of the comments on this proposed exemption favored granting it. The main reasons given for why such an exception would be justified were that these lead-containing paints are necessary to insure durability and brilliance of color and pose no hazard to children since they are not sold or intended for consumer use. Some commenters stressed that since there presently exists no acceptable non-leaded colorant, denying the exception would inevitably result in increased costs, which the consuming public would ultimately bear.

Some consumer groups stated that graphic art coatings are packaged in such a form that they are suitable for consumer use and, therefore, should be included within the scope of this regulation.

The Commission notes that while graphic art coatings are generally applied by professional sign painters and are usually not sold to consumers, the signs (billboards, road signs, etc.) are often for the use of consumers. Therefore, graphic art coatings are "consumer products."

The Commission, however, believes the coatings should be exempt from the scope of this regulation. The Commission finds that the coatings are normally applied to areas which are inaccessible to children. Although the Commission recognizes that occasionally graphic art coatings may be brought into the home, this would not be frequent. The Commission believes the precautionary labeling specified in the rule should address any potential problem of application to inappropriate surfaces.

(d) *Touchup coatings for automobiles, agricultural and industrial equipment, lawn and garden equipment, boats, outboard motors, motorized recreational vehicles, and appliances.* Industry comments supporting this proposed exemption stated that it is unlikely that children would chew on the hard metal surfaces to which these touchup coatings are applied. In addition, manufacturers expressed concern over the absence of an appropriate substitute material.

Other commenters urged that these coatings not be exempted because they are readily available for consumer use.

As previously discussed, coatings specifically designed for use on automobiles are considered motor vehicle equipment and are excluded from the Commission's jurisdiction under the CPSA. Similarly, U.S. Coast Guard officials inform that coatings applied to boats or their component parts are considered boat equipment which could be subjected to safety regulation under the Federal Boat Safety Act of 1971. (CPSA section 30(a)(1)(G) excludes boats and boat equipment which could be subjected to safety regulation under the Federal Boat Safety Act from the definition of "consumer product.") Coatings applied to motorized recreational vehicles would in most instances be motor vehicle equipment or boat equipment. Therefore, it is not necessary that touchup coatings specifically for use on automobiles, boats, motorized recreational vehicles and outboard motors be exempted by the Commission since they are not within the scope of the regulation.

Touch-up coatings for agricultural and industrial equipment, lawn and garden equipment, and appliances, are available to consumers and therefore, fall within the coverage of the CPSA. The Commission has decided to grant an exemption for these coatings. The Commission notes that the coatings are applied over small areas and on surfaces which do not lend themselves to chewing by children. In addition, the Commission finds that the warning label required by section 1303.3(a) will provide additional protection by indicating to the purchaser that such coatings should not be applied to any surface accessible to children.

(e) *Exterior marine coatings for small craft application.* The comments endorsing this proposed exemption emphasized that lead-containing marine coatings are necessary to control corrosion since no effective substitute for lead is currently available. Other comments opposed this proposal because small craft are often stored in the vicinity of consumers' homes and the coatings may, therefore, be accessible to children.

The CPSA excludes boats and boat equipment which could be subjected to safety regulation under the Federal Boat Safety Act of 1971 from the definition of "consumer product". Since exterior marine coatings for small craft are considered to be "boat equipment," the Commission concludes that it need not exempt these products, because they are not within the jurisdiction of the CPSA.

(f) *Exterior rubber-based roof coatings.* Commenters favoring the proposed exemption stated that lead oxides are the only known materials available for improving the water resistance of roofs. They also stressed that roofs are surfaces not easily accessible to children.

However, some commenters opposed exempting these coatings because roofs are often used as play areas for urban children and therefore, the lead content of the coatings would be accessible to children. They further maintained that lead oxides used as curing agents for liquid coatings are replaceable by other metallic oxides as well as certain metal-free organic substances.

The Commission has decided to deny the request for this proposed exemption because it is possible that roofs could be converted into play areas, thereby exposing children to a dangerously high level of lead. The Commission believes that there are practical and acceptable substitutes for lead oxides in such products. In addition, the Commission has concluded that an exemption should not be granted because industry has failed to provide sufficient information regarding these products to convince the Commission to act favorably on the request.

(g) *Exterior primer coatings for wood siding containing extractives (products marketed solely for use on redwood and cedar).* Commenters favoring this proposed exemption stated that the primers are inaccessible to children and that lead compounds are necessary in these primers in order to prevent discoloration of cedar and redwood before the topcoat is applied.

Several commenters, including an industry commenter, strongly opposed the exclusion of these coatings from the regulation. They recognized that a primer need only be used once and thus, there is no build up of layers (the primary cause of lead poisoning), but indicated that this does not eliminate the possibility of children ingesting low-level lead paint chips. Also, the commenters pointed out that many wood primer coatings are suitable for a variety of wood surfaces, such as interior wood paneling and wood trim, and are not exclusively for outdoor use. The commenters further stressed that there are presently available several non-lead substitutes which have provided satisfactory results in preventing discoloration.

The Commission concludes that these lead-containing primers should not be exempted because the interior surfaces (e.g., paneling, trim) and exterior surfaces (e.g., siding, porches, or decks) to which these primers are applied are accessible to children. Also, since non-lead substitutes are readily available and are produced by the leading paint manufacturers, banning wood primer coatings containing more than 0.06 percent lead should not create an unreasonable burden on industry.

4. *Economic Considerations.* Many comments on the proposed regulation related to the economic and practical effects of lowering the permissible lead level for paints and other similar surface coatings. These comments and comments on the draft environmental statement are extensively addressed in the final environmental impact statement which is on file with the Council on Environmental Quality and is available for public inspection in the Office of the Secretary. The economic comments on the August 10, 1976 proposal are briefly discussed below.

The primary economic effect of the proposed regulation would be to eliminate the use of lead driers in paints since lead pigments are already precluded from practical use under the FHSA 0.5 percent lead restriction. Several industry commenters noted that as a result of the elimination of lead driers, the drying time of solvent-thinned paints would be lengthened and in fact, outside painting with these products at temperatures below 50° F and 70 percent or more relative humidity might not be feasible.

The Commission does not dispute the accuracy of the industry claim. However, the Commission points out that the painting industry has always been plagued by the vagaries of the weather and outdoor painting is not normally done during periods of precipitation, freezing temperatures, and high winds. In addition, at more moderate temperatures, other driers, particularly zirconium, may be substituted for lead with little or no sacrifice to solvent-thinned paint performance.

Other industry comments stated that the adoption of the 0.06 percent level for consumer paints would force a manufacturer who produced both consumer and commercial type paints to segregate his equipment to prevent contamination of the consumer paint. The commenters further noted that this creates a heavy burden and might put certain small manufacturers out of business. A consumer group, however, pointed out that even without the 0.06 percent requirement, manufacturers must maintain strict housekeeping standards because they routinely mix various colors, resins, and solvents.

The Commission agrees that present operating procedures in the paint industry require segregation of ingredients and equipment and the maintenance of good housekeeping practices to assure tint and color fidelity of paints. The Commission believes that the prevention of contamination of consumer products with residues from previously manufactured batches of industrial paints should require only strict adherence to established practices. Further, if additional housekeeping requirements are necessary to maintain the lead level within prescribed limits, the Commission does not believe that the increased costs will be great.

Industry representatives also commented that adoption of the 0.06 percent level would result in significantly increased costs for manufacturers since they would have to test paints to determine that lead levels comply with the ban.

First of all, the Commission notes that several commenters, including NPCA, stated that most household paints today comply with the 0.06 percent level. Studies sponsored by the Commission have shown that over 95 percent of latex-based and nearly 70 percent of oil-based paints intended for consumers have lead levels at or below 0.06 percent See "CPSC Lead-in-Paint Marketplace Survey, 1974–1975".) In addition, the Commission does not agree that small manufacturers may not be able to afford the costs of testing paints for lead at a level of 0.06 percent. The data available to the Commission indicate that the costs of testing are very small compared with the total price of a gallon of paint. The Commission believes that the costs of testing may be further reduced by requiring certification of lead content from suppliers and by increased quality control to reduce the need for testing each batch of products.

5. *Exemption for Catalyzed Coatings for Radio-Controlled Powered Model Aircraft.* On March 19, 1976, NPCA petitioned (HP 76–11) for the exemption of coatings marketed solely for use on radio-controlled powered model aircraft from classification as a banned substance under the lead-in-paint regulations of the Federal Hazardous Substances Act.

The Commission has determined to grant this petition and to issue an exemption for these coatings at this time. Catalyzed coatings marketed solely for use on radio-controlled powered model aircraft are, therefore, exempt from this banning regulation, provided they are labeled in accordance with section 1303.3 (a).

In granting the exemption, the Commission recognizes that the planes to which these coatings are applied are relatively expensive and are marketed mainly for adult use. In addition, the coatings themselves are expensive, are sold in small amounts, and are specialized. Therefore, it is unlikely that they would be used on surfaces from which it may reasonably be expected that children would ingest the dried paint film.

6. *Future Exemption Requests.* The Commission points out that it will consider other exemption requests that are brought to its attention. The requests should comply with the Commission's Procedures for Petitioning for Rulemaking Under Section 10 of the Consumer Product Safety Act (16 CFR 1110, 41 FR 43126, September 29, 1976) and should be accompanied by technical data establishing such facts as why lead is an essential component of the product(s) and/or why the product(s) presents no risk of ingestion by children. A specific description of the product, including the complete chemical formulation and the product's name, the product's characteristics after application, promotional and labeling information, and information on the use patterns of the product should also be supplied. In addition, it would be helpful to the Commission in evaluating requests if manufacturers would include with their submissions information on their substitution plans should the exemption be denied and information on whether the product is currently being distributed.

Manufacturers may request confidential treatment of portions of submitted information in accordance with the Commission's regulations under the Freedom of Information Act. (16 CFR § 1015, issued February 27, 1977 at 42 FR 10490.)

7. *Testing.* A number of comments recommended that the Commission adopt and include in the rule a uniform quantitative method of testing for lead in paint. The Commission has decided not to prescribe any specific method for testing paints for their lead content. The Commission recognizes that analytical chemistry is a dynamic science and that the inclusion of a specific procedure within the rule might reduce scientific activity and initiative. It might also delay the use of newer, and possibly simpler, procedures. Any scientifically acceptable method can be used to determine the lead content of consumer paints. The Commission, upon request, will supply details of the procedure used by its laboratories for this purpose.

8. *Effective date.* Commenters have suggested various effective dates for the

regulation, ranging from 6 months to 5 years after promulgation. One commenter suggested that the 0.06 percent level be phased in gradually over a one to three year period.

The Commission notes that those manufacturers who presently produce paint containing more than 0.06 percent lead must reformulate their product to use non-lead driers, order and receive and certify ingredients, test pilot batches, set up production of the product, and arrange for testing of production batches. Manufacturers of children's articles and furniture must be able to locate certified supplies of complying paint.

The Commission believes that a 180-day effective date would give all but the most inefficient firms enough time to become fully aware of the requirements of the regulation and make the adjustments in production outlined above. The Commission also believes that manufacturers of products which must use complying paint will be able to make the necessary arrangements within this time period. The Commission notes that many paints already comply with the 0.06 percent level.

In addition, the Commission points out that it has received no data convincingly demonstrating the need for a longer period of time to comply.

Section 9(d)(1) of the CPSA states that if the Commission wants to make a consumer product safety rule effective more than 180 days from the date of promulgation, the Commission must make a special finding that a later effective date is in the public interest. The Commission is unable to make such a finding with regard to this ban. The Commission has determined, however, to make this ban applicable only to products subject to the ban that are manufactured after the effective date. The Commission believes that applicability of the regulations to all goods in commerce on the effective date would pose very difficult compliance problems for the wholesalers or retailers of either paint or painted products. The impact would probably be especially large on small businesses. The Commission concludes that such an impact is unwarranted in view of the purpose of the regulation to prevent the future buildup of unnecessarily high levels of lead in layers of dried paint. Moreover, this policy is consistent with the LBPPPA in which "lead-based paint" is defined as paint containing more than 0.06 percent lead manufactured after the act's effective date (June 23, 1977). Paint manufactured prior to the effective date of the CPSA regulation but sold after that date must still comply with the 0.5 percent limit of the FHSA regulation so the Commission believes that the public will not be unprotected while paint inventories are depleted.

Description of the Ban

Terms of the ban. In Part 1303, the following consumer products are declared to be banned hazardous products under section 8 of the Consumer Product Safety Act:

(1) Paint and similar surface-coating materials that contain lead or lead compounds and in which the lead content (calculated as lead metal) exceeds 0.06 percent of the total weight of the nonvolatile content of the paint or the weight of the dried paint film.

(2) Toys and other articles intended for use by children that bear paint or similar surface-coating materials that contain lead or lead compounds and in which the lead content (calculated as lead metal) exceeds 0.06 percent of the total weight of the nonvolatile content of the paint or the weight of the dried paint film.

(3) Furniture articles that bear paint or similar surface-coating materials that contain lead or lead compounds and in which the lead content (calculated as lead metal) exceeds 0.06 percent of the total weight of the nonvolatile content of the paint or the weight of the dried paint film.

"Paint and similar surface-coating materials," "toys and other articles intended for use by children," and "furniture articles" are defined in § 1303.2. The definition of "furniture articles" indicates that appliances such as ranges, refrigerators, and dishwashers, fixtures such as bathroom fixtures, kitchen cabinets, and chandeliers, and other household items such as window shades and venetian blinds are not covered by the regulation.

The following products are specifically exempted from the ban:

(1) Mirrors which are part of furniture articles to the extent they bear lead-containing backing paint.

(2) Artists' paints and related materials.

The following products are specifically exempted from the ban, provided they bear the cautionary labeling specified in § 1303.3(a):

(1) Agricultural and industrial equipment refinish coatings.

(2) Industrial (and commercial) building and equipment maintenance coatings, including traffic and safety marking coatings.

(3) Graphic art coatings (i.e., products marketed solely for application on billboards, road signs, and similar uses and for identification marking in industrial buildings).

(4) Touchup coatings for agricultural equipment, lawn and garden equipment, and appliances.

(5) Catalyzed coatings marketed solely for use on radio-controlled model powered aircraft.

Scope and application. Since this ban is being issued under the Consumer Product Safety Act, the rule applies only to those products that are "consumer products" as defined in section 3(a)(1) of the Act. Accordingly, the regulation applies to items subject to the ban that are customarily produced or distributed for sale to or for the use, consumption, or enjoyment of consumers. Paints and coatings for motor vehicles and boats are not included within the scope of the ban. In addition to those products which are sold directly to consumers, the ban applies to products which are used or enjoyed by consumers after sale, such as paints used in apartments, schools, hospitals, parks, playgrounds, and public buildings or other areas where consumers will have direct access to the painted surface.

Findings

1. *CPSA Section 8.* Section 8(1) and (2) of the CPSA require that, before issuing a consumer product safety rule declaring a product to be a banned hazardous product, the Commission shall find (1) that the product presents an unreasonable risk of injury and (2) that no feasible safety standard can adequately protect the public from the unreasonable risk of injury associated with the product.

(a) *Unreasonable risk of injury.* This regulation is intended to reduce or eliminate the unreasonable risk of injury associated with lead poisoning in children. The main source of lead in childhood lead poisoning is lead-containing paint. Lead-containing paint or peelings are sometimes eaten by children, especially those with pica (a poorly understood phenomenon meaning the repetitive ingestion of nonfood substances). Certain surfaces, such as toys or furniture, are easily accessible to children for the ingestion of such chips and therefore, present a particular hazard.

The adverse health effects of such poisoning in children are numerous and can cause a wide range of disorders such as hyperactivity, slowed learning ability, withdrawal, blindness, and even death. These effects are discussed in more detail in section 1303.5(a) of Part 1303.

The Commission believes that the Congressional intent expressed in the amended LBPPPA is for all paint for consumer use which meets the LBPPPA definition of "lead-based paint," as determined by the Commission in LBPPPA proceedings, and certain consumer products bearing such paints (notably toys and other children's articles and furniture) to be considered as presenting an "unreasonable risk of injury" as that term is used in sections 8 and 9 of the CPSA. This intent is manifested in the LBPPPA by provisions directing this and other federal agencies to take certain regulatory actions with respect to "lead-based paint", including the specific provision directing the CPSC to prohibit the application of "lead-based paint" to any toy or furniture article.

In addition, in determining whether a specific risk of injury is "unreasonable", the Commission balances the probability that the risk will result in harm and the gravity of the harm against a rule's effect on the product's utility, cost, and availability to the consumer.

The Commission notes that the seriousness of the lead poisoning problem is well documented. (See National Academy of Sciences, Recommendations for the Prevention of Lead Poisoning in Chil-

dren, Washington, D.C., July, 1976.) The Commission further points out that its own studies have shown that over 95 percent of latex-based and nearly 70 percent of oil-based paints intended for consumers have lead levels at or below 0.06 percent. The Commission believes that the elimination of lead driers in paints will not affect their utility since in most cases satisfactory substitutes are currently available. Therefore, the Commission concludes that the impact of this ban on the utility, cost, and availability of paints, toys and other children's articles, and furniture is outweighed by the need to protect the public from the hazard associated with lead-containing paints.

Accordingly, the Commission finds that the following products present an unreasonable risk of injury:

1. Paint and other similar surface-coating materials that contain lead or lead compounds of which the lead content (calculated as lead metal) is in excess of 0.06 percent lead which is defined under the LBPPPA as lead-based paint.

2. Toys and other articles intended for use by children that bear any paint or similar surface-coating materials containing more than 0.06 percent lead.

3. Articles of furniture that bear any paint or similar surface-coating materials containing more than 0.06 percent lead.

(b) *No Feasible Safety Standard.* The Commission is not aware of a technologically feasible procedure for detoxifying a hazardous quantity of lead when present in paint. Accordingly, the Commission finds that a safety standard for paint and similar surface-coating materials containing more than 0.06 percent lead is not feasible and would not adequately protect the public from the unreasonable risk of injury associated with these products.

2. *CPSA Section 9(b).* Section 9(b) of the CPSA, 15 U.S.C. 2058(b), as amended requires the Commission to consider and take into account in the promulgation of a rule the special needs of elderly and handicapped persons to determine the extent to which such persons may be adversely affected by such rule. The Commission has considered these needs and has determined that no adverse effect on elderly or handicapped persons will result from this regulation. It is in the best interest of the entire public, including the elderly and handicapped, that overall lead levels in paint be reduced.

3. *CPSA Section 9(c).* Section 9(c) of the CPSA requires that prior to promulgating a consumer product safety rule the Commission shall consider and shall make appropriate findings for inclusion in such a rule as to: (1) The degree and nature of the risk of injury the rule is designed to eliminate or reduce; (2) the approximate number of consumer products, or types or classes thereof, subject to such rule; (3) the need of the public for the consumer products subject to such rule, and the probable effect of such rule upon the utility, cost, or availability of such products to meet such need; (4) any means of achieving the effect of the order while minimizing adverse effects on competition or disruption or dislocation of manufacturing and other commercial practices consistent with the public health and safety; (5) that the rule is reasonably necessary to eliminate or reduce an unreasonable risk associated with such product; and (6) that the promulgation of the rule is in the public interest (15 U.S.C. 2058(c)).

The findings required by Section 9(c) of the act have been made by the Commission and are incorporated in § 1303.5 of the rule below.

ENVIRONMENTAL IMPACT OF THE BAN

Pursuant to its responsibilities under the National Enviromnental Policy Act (NEPA) (42 U.S.C. 4321-4347 as amended by Pub. L. 94-83, August 8, 1975), the Commission has considered the potential environmental effects of this regulation and has prepared an environmental impact statement to reflect this. A draft statement was submitted to the Council on Environmental Quality which, in the FEDERAL REGISTER of February 4, 1977 (42 FR 6879), announced that the document was available for public comment. Pursuant to Council Guidelines (40 CFR 1500 et seq.), public comment was allowed for 45 days from publication of the notice of availability.

The Commission addressed the comments that were received in the final statement, dated May 2, 1977. The availability of the final impact statement was announced in the FEDERAL REGISTER of June 10, 1977 (42 FR 29948). The final statement may be inspected in the Office of the Secretary of the Commission.

CONCLUSION

Having considered the published proposal, the oral and written responses to the proposal, and other relevant material, the Commission issues a ban of lead-containing paint, toys and other children's articles, and furniture bearing such paint as set forth below.

Therefore, pursuant to the provisions of the Consumer Product Safety Act (secs. 8 and 9, 86 Stat. 1215-17, as amended, 90 Stat. 506, 15 U.S.C. 2057, 2058), a new Part 1303 is added to Title 16, Chapter II, Subchapter B, as follows:

PART 1303—LEAD-CONTAINING PAINT AND CERTAIN CONSUMER PRODUCTS BEARING LEAD-CONTAINING PAINT

Sec.

1303.1 Scope and application.
1303.2 Definitions.
1303.3 Exemptions.
1303.4 Banned hazardous products.
1303.5 Findings.

AUTHORITY: Secs. 8, 9, 86 Stat. 1215-1217, as amended 90 Stat. 506; 15 U.S.C. 2057, 2058.

§ 1303.1 Scope and application.

(a) In this Part 1303, the Consumer Product Safety Commission declares that paint and similar surface-coating materials for consumer use that contain lead or lead compounds and in which the lead content (calculated as lead metal) is in excess of 0.06 percent of the weight of the total nonvolatile content of the paint or the weight of the dried paint film (which paint and similar surface-coating materials are referred to hereafter as "lead-containing paint") are banned hazardous products under sections 8 and 9 of the Consumer Product Safety Act (CPSA), 15 U.S.C. 2057, 2058. (See Parts 1145.1 and 1145.2 for the Commission's finding under section 30(d) of the Consumer Product Safety Act (CPSA) that it is in the public interest to regulate lead-containing paint and certain consumer products bearing such paint under the CPSA.) The following consumer products are also declared to be banned hazardous products:

(1) Toys and other articles intended for use by children that bear "lead-containing paint".

(2) Furniture articles for consumer use that bear "lead-containing paint".

(b) This ban applies to the products in the categories described in paragraph (a) of this section that are manufactured after February 27, 1978, and which are "consumer products" as that term is defined in section 3(a)(1) of the Consumer Product Safety Act. Accordingly, those of the products described above that are customarily produced or distributed for sale to or for use, consumption, or enjoyment of consumers in or around a household, in schools, in recreation, or otherwise are covered by the regulation. Paints and coatings for motor vehicles and boats are not included within the scope of the ban because they are outside the statutory definition of "consumer product". In addition to those products which are sold directly to consumers, the ban applies to products which are used or enjoyed by consumers after sale, such as paints used in residences, schools, hospitals, parks, playgrounds, and public buildings or other areas where consumers will have direct access to the painted surface.

(c) The Commission has issued the ban because it has found (1) that there is an unreasonable risk of lead poisoning in children associated with lead content of over 0.06 percent in paints and coatings to which children have access and (2) that no feasible consumer product safety standard under the CPSA would adequately protect the public from this risk.

§ 1303.2 Definitions.

(a) The definitions in section 3 of the Consumer Product Safety Act (15 U.S.C. 2052) shall apply to this Part 1303.

(b) For purposes of this Part:

(1) "Paint and other similar surface-coating materials" means a fluid, semi-fluid, or other material, with or without a suspension of finely divided coloring matter, which changes to a solid film when a thin layer is applied to a metal, wood, stone, paper, leather, cloth, plastic, or other surface. This term does not include printing inks or those materials which actually become a part of the substrate, such as the pigment in a plastic article, or those materials which are actually bonded to the substrate, such as by electroplating or ceramic glazing.

(2) "Lead-containing paint" means paint or other similar surface coating

materials containing lead or lead compounds and in which the lead content (calculated as lead metal) is in excess of 0.06 percent by weight of the total nonvolatile content of the paint or the weight of the dried paint film.

(3) "Toys and other articles intended for use by children" means those toys and other articles which are intended to be entrusted to or for use by children. This would not include all articles to which children might have access simply because they are present in a household.

(4) "Furniture article" means those movable articles, (i) used to support people or things; (ii) other functional or decorative furniture articles, including, but not limited to, products such as beds, bookcases, chairs, chests, tables, dressers, desks, pianos, console televisions, and sofas. The term "furniture article" does not include appliances, such as ranges, refrigerators, dishwashers, clothes washers and dryers, air conditioners, humidifiers, and dehumidifiers; fixtures such as bathroom fixtures, built-in cabinets, chandeliers, windows, and doors; or household items such as window shades, venetian blinds, or wall hangings and draperies.

§ 1303.3 Exemptions.

(a) The categories of products listed in paragraph (b) of this section are exempted from the scope of the ban established by this Part 1303, provided:

(1) That these products bear on the main panel of their label, in addition to any lebeling that may be otherwise required, the signal word "Warning" (unless some other signal word is required) and the following statement: "Contains Lead. Dried Film of This Paint May Be Harmful If Eaten or Chewed."

(2) (i) That these products also bear on their label the following additional statement or its practical equivalent:

Do not apply on toys and other children's articles, furniture, or interior surfaces of any dwelling or facility which may be occupied or used by children.

Do not apply on exterior surfaces of dwelling units, such as window sills, porches, stairs, or railings, to which children may be commonly exposed.

Keep out of reach of children.

(ii) If the statement required by the preceding paragraph (a) (2) (i) is placed on a label panel other than the main panel, the label statement required to be on the main panel by paragraph (a) (1) of this section shall contain the following additional statement: "See other cautions on —— (insert 'side' or 'back', as appropriate) panel."

(3) That the placement, conspicuousness, and contrast of the label statements required by this section (a) comply with the requirements of the Federal Hazardous Substances Act at 16 CFR 1500.121.

(b) The following products are exempt from the scope of the ban established by this Part 1303, provided they comply with the requirements of paragraph (a) of this section:

(1) Agricultural and industrial equipment refinish coatings.

(2) Industrial (and commercial) building and equipment maintenance coatings, including traffic and safety marking coatings.

(3) Graphic art coatings (i.e., products marketed solely for application on billboards, road signs, and similar uses and for identification marking in industrial buildings).

(4) Touchup coatings for agricultural equipment, lawn and garden equipment, and appliances.

(5) Catalyzed coatings marketed solely for use on radio-controlled model powered aircraft.

(c) The following products are exempt from the scope of the ban established by Part 1303 (no cautionary labeling is required):

(1) Mirrors which are part of furniture articles to the extent that they bear lead-containing backing paint.

(2) Artists' paints and related materials.

§ 1303.4 Banned hazardous products.

The following consumer products, manufactured after February 27, 1978, unless exempted by § 1303.3, are banned hazardous products (see the definitions in section 1303.2):

(a) Paint and other similar surface-coating materials which are "lead-containing paint."

(b) Toys and other articles intended for use by children that bear "lead-containing paint."

(c) Furniture articles that bear "lead-containing paint."

§ 1303.5 Findings.

(a) *The degree and nature of the risk of injury.* (1) The Commission finds that the risk of injury which this regulation is designed to eliminate or reduce is lead poisoning in children. The adverse effects of this poisoning in children can cause a range of disorders such as hyperactivity, slowed learning ability, withdrawal, blindness, and even death. The final Environmental Impact Statement on Lead in Paint which is on file with the President's Council on Environmental Quality (and available for inspection in the Office of the Secretary) contains in Appendix A a detailed discussion of the health effects of lead in paint. These effects will only be summarized here.

(2) Lead is a cumulative toxic heavy metal which, in humans, exerts its effects on the renal, hematopoietic, and nervous systems. Newer concepts indicate that there are three stages to childhood lead poisoning. The adverse health effects in the first stage are not clinically present but metabolic changes can be observed. During the second stage or symptomatic stage such symptoms as loss of appetite, vomiting, apathy, drowsiness, and inability to coordinate voluntary muscle movements occur. The aftereffects of this stage include seizure disorders as well as various behavioral and functional disorders which are often included under the heading of minimal brain dysfunction. Studies suggest that this syndrome may include hyperactivity, impulsive behavior, prolonged reaction time, perceptual disorders and slowed learning ability. The adverse health effects of the third stage may be permanent and can include blindness, mental retardation, behavior disorders, and death.

(3) The Commission notes that children with pica are of special concern with regard to lead poisoning. Pica, the repetitive ingestion of nonfood substances, occurs in 50 percent of children between the ages of one and three, and studies indicate that at this age lead is absorbed more rapidly than lead is absorbed in adults. Pica for paint is believed to be episodic and can occur 2 to 3 times a week.

(4) The Commission also notes that there are no reports of injuries caused by lead paint poisoning in the Commission's National Electronic Injury Surveillance System (NEISS) data, which reflect hospital emergency room treatment. Lead paint poisonings result from a chronic hazard rather than from an acute hazard of the type generally treated in emergency rooms; and NEISS reporting, therefore, does not reflect this type of chronic hazard or injuries.

(5) Former U.S. Surgeon-General Jesse L. Steinfeld, however, estimated in 1971 that 400,000 pre-school American children have elevated body lead burdens. The National Bureau of Standards in 1972 estimated that 600,000 young children have unduly high lead blood content.

(b) *Products subject to this ban.* (1) The products banned by this rule are listed in section 1303.4.

(2) The term "paint" comprises a variety of coating materials such as interior and exterior household paints, varnishes, lacquers, stains, enamels, primers, and similar coatings formulated for use on various surfaces. Based on 1976 data, the Commission estimates that over 400 million gallons of paint a year valued at approximately $2.5 billion could potentially be subject to this rule.

(3) All products commonly known as toys and other articles intended for the use of children are subject to this rule. The categories of products within this classification are numerous and include items and equipment for play, amusement, education, physical fitness, and care of children. Retail sales in 1976 of products considered to be toys or other articles intended for use of children are estimated at around $4 billion.

(4) For the purposes of this rule, furniture articles are certain movable articles used to support people or things or other functional or decorative furniture articles such as couches, beds, tables, chairs, chests, and the like. Appliances and similar equipment, household fixtures, and certain other household items such as window shades, blinds, wall hangings, and the like are not included within the definition of furniture. The regulation applies to furniture for use in households, schools, in recreation, or otherwise. In 1972, the value of shipments of items of furniture such as those named above was as follows: wood household furniture $2,716 million; metal household

furniture $859 million; wood television and radio cabinets $293 million; and $190 million for other household furniture made of plastic, reed and rattan. (Not included in the above are some $2 billion worth of upholstered furniture and $300 million in convertible sofas, chair beds and studio couches.)

(c) *Need of the public for the products and effects of the rule on their utility, cost, and availability.* (1) The public need for paints of various types and for furniture and other articles is substantial and well established. The Commission finds that the need of the public for paint containing more than 0.06 percent lead or for the affected products that are coated with materials containing more than 0.06 percent lead is limited. The Commission has determined that there are products containing more than the 0.06 percent level of lead which meet a public need and for which substitutes are either not available or are not sufficiently effective and to which access by children to the coatings or the surfaces to which they are applied is unlikely. Accordingly, these products have been specifically exempted from the scope of the regulation in § 1303.3.

(2) The Commission finds that the effects of this rule on the cost, utility, and availability of paints and painted articles will be small. The Commission notes that over 95 percent of latex-based and nearly 70 percent of oil-based paints have lead levels at or below the level set by Part 1303.

(i) *Costs.* The Commission estimates that the added costs to the consumer for paints affected by this rule will not exceed 5 to 10 cents per gallon. Costs to consumers for furniture and for toys and other articles intended for the use of children are not expected to increase as the result of compliance with the regulation.

(ii) *Utility.* The Commission finds that for water-based or latex paints and coatings subject to this rule, reducing the amount of allowable lead to 0.06 percent will not have adverse effects on their utility. For certain solvent-thinned coatings, however, lead driers will have to be replaced by non-lead driers such as zirconium to comply with the 0.06 percent level (Driers are not used in latex paints). An impact on the paint industry may result because current non-lead driers may not dry satisfactorily in low temperatures or high humidity conditions, and so the painting industry in some areas at certain times of the year may suffer a reduction of effective painting time.

(iii) *Availability.* Substitutes at comparable prices are available for paints and for products banned by this rule. The Commission believes that the reduction of lead to a level of 0.06 percent will not affect the availability of water-based or latex paints. Sales of such coatings currently exceed sales of solvent-based coatings, and because of the drying problem mentioned above, the trend toward increased use of water-based paints may be accelerated somewhat by the effects of the ban.

(d) *Alternatives.* (1) The Commission has considered other means of achieving the objective of this rule, but has found none that would cause less disruption or dislocation of manufacturing and other commercial practices, consistent with public health and safety.

(2) The Commission estimates that this ban may, because of testing costs and the necessity for improved housekeeping practices in the manufacture of paint and similar surface-coating materials to prevent lead contamination, have some relatively minor adverse effect on individual firms within some markets.

(3) The Commission, however, finds that competition will not be adversely affected by this rule. Although costs of reformulation and testing may be relatively higher for small manufacturers than large manufacturers, these costs are not so onerous as to lead to greater concentration in the industry. The period of time before the effective date is sufficient to minimize problems of compliance with the rule.

(4) The reduction of the permissible level of lead in paint will affect paint manufacturers, raw materials suppliers, professional and non-professional painters, and manufacturers of furniture and children's articles. For those producers of paint which are already subject to the regulations under the Federal Hazardous Substances Act (FHSA), the impact of this CPSA ban will involve only a change to non-lead driers since lead pigments are precluded from practical use under the 0.5 percent lead restriction now in effect under the FHSA (16 CFR 1500.17 (a)(6)). The manufacturers of some painted furniture who were not affected by the 0.5 percent limit under the FHSA may now be, if they use lead pigments or driers. Producers of children's articles who were subject to the 0.5 percent FSHA limit will have to ensure that the paint they use conforms to the 0.06 percent level.

(e) *Conclusion.* The Commission finds that this rule, including its effective date, is reasonably necessary to eliminate or reduce the unreasonable risk of lead poisoning of young children that is associated with the banned products which are described in § 1303.4 and that promulgation of the rule is in the public interest.

Effective date: February 28, 1978.

(Secs. 8, 9, 86 Stat. 1215–1217, as amended 90 Stat. 506; 15 U.S.C. 2057, 2058.)

Dated: August 26, 1977.

RICHARD E. RAPPS,
Secretary, Consumer Product Safety Commission.

[FR Doc.77-25472 Filed 8-31-77;8:45 am]

SUBCHAPTER C—FEDERAL HAZARDOUS SUBSTANCES ACT REGULATIONS

PART 1500—HAZARDOUS SUBSTANCES AND ARTICLES, ADMINISTRATION AND ENFORCEMENT REGULATIONS

Certain Lead-Containing Paint; Toys and Other Articles Bearing Such Paint Intended for Use by Children

AGENCY: Consumer Product Safety Commission.

ACTION: Final rule.

SUMMARY: The Commission issues an amendment partially revoking a regulation under the Federal Hazardous Substances Act (FHSA) declaring certain lead-containing paint, and toys or other articles intended for use by children bearing such paint, to be banned hazardous substances. The amendment provides that the FHSA regulation will not be applicable to products manufactured after February 27, 1978, but will continue to apply to products manufactured on and prior to that date. This amendment is necessary because elsewhere in this issue of the FEDERAL REGISTER the Commission issues a new regulation under the Consumer Product Safety Act for certain lead-containing paint and toys and furniture bearing such paint manufactured after February 27, 1978.

EFFECTIVE DATE: The amendment issued below is effective February 28, 1978.

FOR FURTHER INFORMATION CONTACT:

Charles M. Jacobson, Directorate for Compliance and Enforcement, Consumer Product Safety Commission, Washington, D.C. 20207, telephone 301–492–6400.

SUPPLEMENTARY INFORMATION: On August 10, 1976, by publication of a notice in the FEDERAL REGISTER (41 FR 33637), the Commission proposed a rule under section 8 of the Consumer Product Safety Act (CPSA), 15 U.S.C. 2057, declaring the following to be banned hazardous products: (1) Lead-containing paint and similar surface-coating materials containing more than a safe level of lead, (2) toys and other articles intended for use by children bearing lead-containing paint or other similar surface-coating materials containing more than a safe level of lead, and (3) articles of furniture bearing lead-containing paint or other similar surface-coating materials containing more than a safe level of lead. At the same time the Commission proposed to revoke the existing regulation (16 CFR 1500.17(a)(6)) under the Federal Hazardous Substances Act (FHSA), 15 U.S.C. 1261–1274, relating to lead-containing paint and toys and other articles intended for use by children, bearing such paint, when the final CPSA banning regulation is issued.

The determination of a safe level of lead in paint was made by the Commission in accordance with a separate proceeding under the Lead-Based Paint Poisoning Prevention Act (LBPPPA) (42 U.S.C. 4801 et. seq.), as amended (Pub. L 94–317). In the FEDERAL REGISTER of February 16, 1977 (42 FR 9404), the Commission announced its decision that available scientific information is insufficient to establish that a level of lead in paint above 0.06 percent but not over 0.5 percent is safe. A final CPSA rule incorporating this determination and implementing the proposed ban appears elsewhere in this part of the FEDERAL REGISTER (see FR Doc. 77–25472, supra).

The Commission is amending 16 CFR 1500.17(a)(6), which was issued under the FHSA, to prevent an unnecessary

duplication of regulations now that final CPSA lead-in-paint rules are being issued at 16 CFR Part 1303. The Commission has decided not to revoke 16 CFR 1500.17(a)(6) entirely as proposed, so that products manufactured before the effective date of the CPSA ban will still be subject to a lead limit. Currently, 16 CFR 1500.17(a)(6) declares as banned hazardous substances any paint or other similar surface-coating material that contains lead compounds in which the lead content (calculated as lead metal) is in excess of 0.5 percent of the total weight of the contained solids or dried paint film. Section 1500.17(a)(6) also declares as banned hazardous substances any toy or other article intended for use by children that bears such paint or coating material.

Section 1500.17(a)(6) also contains certain provisions (subdivisions (i)(A) and (ii)(A)) that were stayed as a result of objections filed pursuant to section 701(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 371(e)). The stayed provisions would have lowered the 0.5 percent permitted level of lead to 0.06 percent. Thus, only the 0.5 percent level prescribed by § 1500.17(a)(6) is in effect. (See FEDERAL REGISTER documents of August 10, 1972 (37 FR 16078), December 27, 1973 (38 FR 35302), and December 9, 1974 (39 FR 42902).)

The CPSA banning regulation appearing elsewhere in this part of the FEDERAL REGISTER (see FR Doc. 77-25472) includes the exemption for artists' paint presently contained in § 1500.17(a)(6). The CPSA regulation also disposes of all outstanding exemption proposals and petitions to amend § 1500.17(a)(6).

The Commission points out that the sole purpose of this amendment is to prevent an unnecessary duplication of regulations. Therefore, the amendment to partially revoke 16 CFR 1500.17(a)(6) is conditional upon Part 1303 continuing in full force and effect. If, at any time, any requirement of Part 1303 relating to products within the scope of 16 CFR 1500.17(a)(6) is stayed, revoked, or set aside by judicial or other action, the amendment partially revoking 16 CFR 1500.17(a)(6) is withdrawn, and a FEDERAL REGISTER notice will be issued reinstating the appropriate portions of 16 CFR 1500.17(a)(6).

AMENDMENT

Accordingly, pursuant to provisions of the Federal Hazardous Substances Act (sec. 2(f)(1)(A), (q), 74 Stat. 372, 374, as amended by 80 Stat. 1304-1305; (15 U.S.C. 1261(f)(1)(A), (q)) and the Federal Food, Drug and Cosmetic Act (section 701(e), (f), (g), 52 Stat. 1055, 1056, as amended 70 Stat. 919, 72 Stat. 948; (21 U.S.C. 371(e)(f)(g))) and under authority vested in the Commission by the Consumer Product Safety Act (sec. 30(a), 86 Stat. 1231; 15 U.S.C. 2079(a)), the Commission amends 16 CFR Part 1500.17(a)(6) by adding a new subparagraph (iii) as follows:

§ 1500.17 Banned hazardous substances.

(a) * * *

(6) * * *

(iii) Since the Commission has issued comprehensive regulations for lead-containing paint and certain consumer products bearing such paint at the 0.06 percent level under the Consumer Product Safety Act (see 16 CFR Part 1303), subparagraphs (i) and (ii) of section 1500.17(a)(6) are revoked as to the subject products manufactured after February 27, 1978.

This revocation is conditional upon Part 1303 continuing in full force and effect.

(Secs. 2(f)(1)(A), (q), 74 Stat. 372, 374, as amended 80 Stat. 1304-1305 (15 U.S.C. 1261(f)(1)(A), (q)); secs. 701(e), (f), (g), 52 Stat. 1055, 1056, as amended 70 Stat. 919, 72 Stat. 948 (21 U.S.C. 371(e), (f), (g)); sec. 30(a), 86 Stat. 1231 (15 U.S.C. 2079(a)).)

Effective date: The amendment is effective February 28, 1978.

Dated: August 26, 1977.

RICHARD E. RAPPS,
Secretary, Consumer Product Safety Commission.

[FR Doc.77-25473 Filed 8-31-77;8:45 am]

Federal Register

THURSDAY, SEPTEMBER 1, 1977

PART VI

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

■

OPERATIONS REVIEW PROGRAM NOTICE NO. 6

General Operating and Flight Rules and Related Airworthiness Standards

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Parts 23, 25, 27, 29, and 91]

[Docket No. 17154; Notice No. 77-20]

OPERATIONS REVIEW PROGRAM NOTICE NO. 6

General Operating and Flight Rules and Related Airworthiness Standards

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rule making.

SUMMARY: This notice describes the FAA's disposition of certain proposals discussed at the Operations Review Conference. After consideration of these proposals, the FAA has determined that certain amendments to the rules applicable to aircraft, airmen and special issues are needed to expand, clarify or simplify these rules and to provide a level of safety commensurate with the development and expansion of the aviation system. Certain other proposals were withdrawn by their proponents. Other proposals are being removed from further consideration after review by the FAA. The proposals, withdrawals and removals are contained in this notice.

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

ADDRESSES: Send comments on the proposals in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-24), Docket No. 17154, 800 Independence Avenue SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

Donald A. Schroeder, Safety Regulations Division, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591; telephone: 202-755-8715.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Comments relating to the environmental, energy, or economic impact that might result from adoption of the proposals contained in this notice are invited. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue SW., Washington, D.C. 20591. All communications received on or before December 1, 1977 will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

For convenience, each proposal in this notice is numbered separately. The FAA requests that interested persons, when submitting comments, refer to proposals by these numbers and by the sections to which they relate.

Availability of This Notice

Any person may obtain a copy of this notice of proposed rule making (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue SW., Washington, D.C. 20591, or by calling 202-426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

Background

The aviation industry in the United States and abroad has grown substantially during the last ten years. Paralleling its rapid growth and numerous technological advances are significant changes in the operating environment in which airmen, air agencies and aircraft operators function.

To enable the FAA to become even more responsive to the needs of the general public and the aviation community in fulfilling the Agency's aviation safety responsibilities, the FAA issued Notice No. 75-9 (40 FR 8585; February 28, 1975) inviting all interested persons to submit proposals for consideration during the Operations Review Program.

In response to that invitation, the FAA received more than 5,000 individual comments contained in 123 submissions. Based on these comments and on the Compilation of Proposals, the FAA prepared a number of working documents for the Operations Review Conference held in Arlington, Va., on December 1-5, 1975. The FAA distributed those documents to each person who participated in the Operations Review Program and to all other interested persons who requested them.

The Operations Review Conference was attended by more than 600 persons. Various committees discussed all the scheduled agenda items during the conference. Summaries were given by the FAA Committee Chairmen at the close of discussions on each agenda item. Persons present were given the opportunity to correct those oral summaries. Those summaries were edited and combined with an attendee list for the conference and with transcripts of certain plenary session speeches and were distributed to all attendees and to all persons requesting them in accordance with a Notice of Availability (Notice No. 75-9A; 41 FR 9413; March 4, 1976).

The Proposals

This notice deals with selected proposals concerning Part 91 contained in the following Operations Review Committee Workbooks:

Committee No.:	Title
1	Aircraft Equipment and Requirements.
2	Aircraft Maintenance.
3	Aircraft Operating Rules.
4	Airmen Certification.
10	Special Issues.

A number of the proposals contained in both the Compilation and the working documents are not included in this notice. The proposals listed in Appendices I and II fall into two categories as follows: Appendix I—Proposals withdrawn; Appendix II—Proposals removed from further consideration.

Drafting Information

The principal authors of this document are J. T. Morse and T. G. Walenta, Flight Standards Service, and R. B. Elwell, Office of the Chief Counsel.

The Proposed Amendments

Accordingly, the Federal Aviation Administration proposes to amend Parts 23, 25, 27, 29, and 91 of the Federal Aviation Regulations (14 CFR Parts 23, 25, 27, 29, and 91) as follows:

PART 23—AIRWORTHINESS STANDARDS; NORMAL, UTILITY, AND ACROBATIC CATEGORY AIRPLANES

6-1. By amending § 23.1413 by adding a new paragraph (c) to read as follows:

§ 23.1413 Safety belts and harnesses.

* * * * *

(c) Each safety belt must be equipped with a metal-to-metal buckle or latching device.

Explanation. Aircraft safety belts of the metal-to-fabric type use serrated cams that tighten against the webbing material of the safety belt and are usually actuated by a throwover type buckle. Usage has shown that the cam's action will wear and deteriorate the webbing material causing a loss of friction which allows the webbing to slip under the cam. As a result, the belt fails to lock effectively. These proposals provide for a metal-to-metal buckle or latching device which are designed to prevent this.

Ref. Proposal No. 205; §§ 23.1413, 25.1413, 27.1413, 29.1413, and 91.33(b)(12); Committee 1; Agenda Item B-1.

PART 25—AIRWORTHINESS STANDARDS; TRANSPORT CATEGORY AIRPLANES

6-2. By amending § 25.1413 by adding a new paragraph (d) to read as follows:

§ 25.1413 Safety belts.

* * * * *

(d) Each safety belt must be equipped with a metal-to-metal buckle or latching device.

Explanation. See explanation for Item 6-1.

Ref. Proposal No. 205; §§ 23.1413, 25.1413, 27.1413, 29.1413, and 91.33(b)(12); Committee 1; Agenda Item B–1.

PART 27—AIRWORTHINESS STANDARDS; NORMAL CATEGORY ROTORCRAFT

6–3. By amending § 27.1413 by adding a new pargraph (c) to read as follows:

§ 27.1413 Safety belts.

* * * * *

(c) Each safety belt must be equipped with a metal-to-metal buckle or latching device.

Explanation. See explanation for Item 6–1.

Ref. Proposal No. 205; §§ 23.1413, 25.1413, 27.1413, 29.1413, and 91.33(b)(12); Committee 1; Agenda Item B–1.

PART 29—AIRWORTHINESS STANDARDS; TRANSPORT CATEGORY ROTORCRAFT

6–4. By amending § 29.1413 by designating the current provision as paragraph (a) and by adding a new paragraph (b) to read as follows:

§ 29.1413 Safety belts: passenger warning device.

* * * * *

(b) Each safety belt must be equipped with a metal-to-metal buckle or latching device.

Explanation. See explanation for Item 6–1.

Ref. Proposal No. 205; §§ 23.1413, 25.1413, 27.1413, 29.1413, and 91.33(b)(12); Committee 1; Agenda Item B–1.

PART 91—GENERAL OPERATING AND FLIGHT RULES

6–5. By amending § 91.4 by revising the heading, by designating the current provision as paragraph (b), and by adding a new paragraph (a) to read as follows:

§ 91.4 Aircraft operator responsibility.

(a) No person may release an aircraft under their control to another person for the purpose of flight unless that person first determines who intends to serve as pilot in command and determines that the pilot in command has current certificates and ratings for the flight operation intended.

(b) * * *

Explanation. Current § 91.4 uses the word "operate" with respect to aircraft, however, the word is used only in reference to a pilot in command of aircraft requiring more than one required pilot. There is no general requirement for the person who releases an aircraft to another for flight to first determine who intends to serve as pilot in command and to then determine that the pilot in command has current certificates and ratings as provided in the regulations. Section 91.4(a) is proposed to expressly require this.

Ref. Proposal No. 164; § 91.4; Committee 4; Agenda Item C.

6–6. By amending § 91.14 by amending the heading, by redesignating paragraphs (a)(1) and (a)(2) as paragraphs (a)(2) and (a)(3) respectively, and by adding a new paragraph (a)(1) to read as follows:

§ 91.14 Use of safety belts.

(a) Unless otherwise authorized by the Administrator—

(1) No pilot may take off a U.S. registered civil aircraft (except a free balloon that incorporates a basket or gondola and an airship) unless the pilot in command of that aircraft ensures that each person on board is briefed on how to fasten and unfasten his safety belt.

* * * * *

Explanation. A recent survivable accident involving an aircraft that caught fire after impact resulted in a casualty because a passenger, attempting to rescue a disabled passenger, was unable to release the safety belt. To prepare passengers to cope with such emergencies, they should be briefed before takeoff on how to fasten and unfasten safety belts. Since current § 91.14 does not require that briefing, this proposal would add a new § 91.14(a)(1) to require it. Additionally, the heading is changed to reflect the expanded applicability of the rule.

Ref. Proposal No. 173; § 91.14; Committee 3; Agenda Item A.

6–7. By amending § 91.21 (a) and (b)(3) to read as follows:

§ 91.21 Flight instruction; simulated instrument flight and certain flight tests.

(a) No person may operate a civil aircraft (except a manned free balloon) that is being used for flight instruction unless that aircraft has fully functioning dual controls. However, instrument flight instruction may be given in a single-engine airplane equipped with a single, functioning, throwover control wheel, in place of fixed, dual controls of the elevator and ailerons, when:

(1) The instructor has determined that the flight can be conducted safely; and

(2) The person manipulating the controls has at least a private pilot certificate with appropriate category and class ratings.

(b) * * *

(3) Except in the case of lighter-than-air aircraft, that aircraft is equipped with fully functioning dual controls. However, simulated instrument flight may be conducted in a single-engine airplane, equipped with a single, functioning, throwover control wheel, in place of fixed, dual controls of the elevator and ailerons, when—

(i) The safety pilot has determined that the flight can be conducted safely; and

(ii) The person manipulating the control has at least a private pilot certificate with appropriate category and class ratings.

* * * * *

Explanation. Current § 91.21 prohibits a person from operating a civil aircraft for flight instruction unless that aircraft has fully functioning dual controls. The FAA has issued twelve exemptions since June 1962, which allowed the Aircraft Owner's and Pilots Association (AOPA) and the AOPA Air Safety Foundation to conduct simulated instrument instruction at flight training clinics using single-engine airplanes equipped with a single, functioning throwover control wheel in place of the fixed dual controls of the elevator and ailerons. This proposal would allow the use of a single-engine airplane equipped with a single, functioning, throwover control wheel for instrument flight instruction and simulated instrument flight. The instrument flight instructor or safety pilot, as appropriate, must first determine that the flight can be conducted safely and that the pilot manipulating the controls has at least a private pilot certificate with appropriate category and class ratings.

Ref. Proposal No. 183; § 91.21 (a) and (b)(3); Committee 3; Agenda Item A.

6–8. By adding a new § 91.22 to read as follows:

§ 91.22 Fuel requirements for flight under VFR.

(a) No person may begin a flight in an airplane under VFR unless (considering wind and forecast weather conditions) there is enough fuel to fly to the first point of intended landing and, assuming normal cruising fuel consumption—

(1) During the day, to fly after that for at least 30 minutes; or

(2) At night, to fly after that for at least 45 minutes.

(b) No person may begin a flight in a rotorcraft under VFR unless (considering wind and forecast weather conditions) there is enough fuel to fly to the first point of intended landing and, assuming normal cruising fuel consumption, to fly after that for at least 20 minutes.

Explanation. This proposal moves the 30 minute VFR day fuel reserve, now required in § 91.207 (which provides for large and turbine powered multiengine airplanes) to a new § 91.22 so that this requirement will apply to all airplanes. Additionally, fuel requirements are added for night VFR flight and rotorcraft operations. Although the proposal recommended that at least a one hour fuel reserve be required for night VFR beyond the first point of intended landing, the FAA has determined that a 45 minute reserve is sufficient.

Over the past five years, approximately 140 fuel exhaustion accidents have occurred in the United States. Most of these accidents involved VFR flight under Part 91, many occurred at night and many involved rotorcraft. This proposal should help to prevent similar occurrences and enhance aviation safety. Section 91.207 would be deleted (see Item 7–19).

Ref. Proposal No. 185; § 91.22; Committee No. 3; Agenda Item 1.

6–9. By revising § 91.23 to read as follows:

§ 91.23 Fuel requirements for flight in IFR conditions.

(a) Except as provided in paragraph (b) of this section, no person may operate a civil aircraft in IFR conditions

unless it carries enough fuel (considering weather reports and forecasts, and weather conditions) to—

(1) Complete the flight to the first airport of intended landing;

(2) Fly from that airport to the alternate airport; and

(3) Fly after that for 45 minutes at normal cruising speed.

(b) Paragraph (a) (2) of this section does not apply if—

(1) Part 97 of this subchapter prescribes a standard instrument approach procedure for the first airport of intended landing; and

(2) For at least one hour before and one hour after the estimated time of arrival at the airport, the weather reports or forecasts or any combination of them, indicate—

(i) The ceiling will be at least 1500 feet above the lowest circling MDA; or if circling is not authorized for the airport, a ceiling of at least 1500 feet above the lowest published instrument approach minimum or 2000 feet above the airport elevation, whichever is higher; and

(ii) Visibility will be at least three miles, or two miles more than the lowest applicable visibility minimums, whichever is greater, or the instrument approach procedure to be used at the first airport of intended landing.

Explanation. Current § 91.23, in part, bases the determination of whether an alternate airport is required on an altitude above the published minimum obstruction clearance altitude (MOCA), minimum en route IFR altitude (MEA), or the altitude prescribed for the initial approach segment of the instrument approach procedure of the airport of first intended landing. Flight planning would be simpler if a ceiling forecast is used which provides that for at least one hour before and one hour after the estimated time of arrival at the airport, the weather reports or forecasts or any combination of them indicate that the ceiling will be at least 1500 feet above the lowest circling minimum descent altitude (MDA), or, if circling is not authorized for the airport, a ceiling of at least 1500 feet above the lowest published instrument approach minimum, or 2000 feet above the airport elevation, whichever is higher. This proposal incorporates these provisions.

Additionally, the improved performance and reliability of modern aircraft makes it unnecessary to base the need for an alternate airport upon weather forecasts covering the period two hours before and two hours after the estimated time of arrival at the first airport of intended landing. This proposal reduces the time to one hour before and one hour after, respectively.

Current § 91.23 bases the designation of an alternate airport solely on forecast weather. This proposal would allow the use of weather reports, forecasts, or a combination of them. This should provide more planning flexibility in making decisions as to the need for an alternate airport.

The visibility requirements in this proposal have been changed to the lowest applicable visibility minimums instead of the lowest authorized landing minimum visibility. The term "applicable" means that visibility minimums are limited by the navigational equipment in the aircraft to be used.

Ref. Proposal No. 186; § 91.23; Committee No. 3; Agenda Item I.

6–10. By revising § 91.25 (a) (2) and (d) to read as follows:

§ 91.25 VOR equipment check for IFR operations.

(a) * * *

(2) Has been operationally checked within the preceding ten hours of flight time and was found to be within the limits of the permissible indicated bearing error set forth in paragraph (b) or (c) of this section.

* * * * *

(d) Each person making the VOR operational check as specified in paragraph (b) or (c) of this section shall enter the date, place, bearing error, aircraft tachometer time, or, in its absence, the aircraft time to date, and his signature in the aircraft log or other record. In addition, if a test signal radiated by the repair station, as specified in paragraph (b) (1) of this section, is used, an entry must be made in the aircraft log or other record by the repair station certificate holder or his representative certifying to the bearing transmitted by the repair station for the check and the date of transmission.

Explanation. This proposal deletes the ten-day VOR operational check requirement in current § 91.25(a) (2). Since changes in the receiving characteristics of VOR equipment are likely to be related more to flight time than calendar time, the ten-day requirement is not necessary. Also, the improved reliability of VOR equipment supports this change in test requirements.

Current § 91.25(d) does not require the recording of the aircraft time on the VOR operational check entry in the aircraft log or other record. Thus, it may be difficult to determine if the VOR operational check had been conducted within the past ten hours of flight time. This proposal makes it easier for a person making a VOR operational check to determine the time since the last check by requiring a recording of aircraft time in the log or other record. There is no useful purpose for retaining a permanent record of these checks and the word "permanent" would be deleted.

Ref. Proposal Nos. 191, 194 and 195; § 91.25(d); Committee 2; Agenda Item K.

6–11. By amending § 91.29 by adding a new paragraph (c) to read as follows:

§ 91.29 Civil aircraft airworthiness.

* * * * *

(c) The pilot in command of a civil aircraft shall ensure that mechanical discrepancy noted during flight is entered in the aircraft log and maintenance record of the aircraft upon completion of the next landing following the the detection of the discrepancy.

Explanation. The recording of mechanical discrepancies noted during flight should help to ensure that these irregularities will be brought to the attention of the next operator of the aircraft, thus enhancing safety.

Ref. Proposal No. 304; § 91.29; Committee 2; Agenda Item P.

6–12. By revising § 91.33(b) (12) to read as follows:

§ 91.33 Powered civil aircraft with standard category U.S. airworthiness certificates; instrument and equipment requirements.

* * * * *

(b) * * *

(12) Except as to airships, an approved safety belt for each occupant who has reached his second birthday. After (two years after the effective date of the amendment based on this notice), each safety belt must be equipped with an approved metal-to-metal buckle or latching device. The rated strength of each safety belt shall not be less than that corresponding with the ultimate load factors specified in the current applicable aircraft airworthiness requirements considering the dimensional characteristics of the safety belt installation for the specific seat or berth arrangement. The webbing of each safety belt shall be replaced as required by the Administrator.

Explanation. See explanation for Item 6–1.

Ref. Proposal No. 205; §§ 23.1413, 24.143, 27.1413, 29.1413, and 91.33(b) (12).

§ 91.36 [Amended]

6–13. By inserting the words "for altitudes ranging from sea level to the maximum operating altitude of the aircraft" immediately before the period at the end of § 91.36(b).

Explanation. Data correspondence accuracy for a given installation needs to be accurate for the operating conditions actually encountered. There is no practical need for accuracy above the maximum operating altitude of the aircraft. The proposal, therefore, states the requirement that the equipment need only be tested and calibrated to transmit altitude data for altitudes ranging from sea level to the maximum operating altitude of the aircraft.

Ref. Proposal No. 215; § 91.36(b); Committee 1; Agenda Item B–1.

§ 91.45 [Amended]

6–14. By changing the semicolon to a period and adding the sentence, "Takeoffs with full controllability from wet runways may be approved for a specific model aircraft without a showing of actual operating takeoff techniques if justified on the basis of relevant engineering data" immediately after § 91.45(a) (3) (ii).

* * * * *

Explanation. Current § 91.45(a) (3) (ii) requires an actual demonstrated takeoff on a wet runway with one engine inoperative for the specific model aircraft to be approved for ferry flight and allows no latitude for approval based solely on

engineering findings. This proposal would allow approval after review of relevant engineering data. There would be no change in the existing level of safety since a wet runway test would still be required if engineering findings are not conclusive.

Ref. Proposal No. 224; § 91.45(a) (3) (ii); Committee 3; Agenda Item 3.

6–15. By revising § 91.54(a) (2) to read as follows:

§ 91.54 Truth in leasing clause requirement in leases and conditional sales contracts.

(a) * * *

(2) The name and address (printed or typed) and the signature of the person responsible for operational control of the aircraft under the lease or contract of conditional sale, and certification by that person that he understands his responsibilities for compliance with applicable Federal Aviation Regulations.

* * * * *

Explanation. This proposal provides for more positive identification by requiring a printed or typed name and address. In many contracts, the signature of the responsible individual is not legible and the address is absent. This information would assist the FAA in monitoring large aircraft lease operations.

Ref. Proposal No. 230; § 91.54; Committee 10; Agenda Item E.

6–16. By amending § 91.83(b) to read as follows:

§ 91.83 Flight plan; information required.

* * * * * *

(b) *Exceptions to applicability of paragraph (a) (9) of this section.* Paragraph (a) (9) of this section does not apply if Part 97 of this subchapter prescribes a standard instrument approach procedure for the first airport of intended landing and, for at least one hour before and one hour after the estimated time of arrival, the weather reports or forecasts or any combination of them, indicate—

(1) The ceiling will be at least 1,500 feet above the lowest circling MDA; or if circling is not authorized for the airport, a ceiling of at least 1,500 feet above the lowest published instrument approach minimum or 2,000 feet above the airport elevation, whichever is higher; and

(2) Visibility will be at least three miles, or two miles more than the lowest applicable visibility minimum, whichever is greater, for the instrument approach procedure to be used at the first airport of intended landing.

Explanation. This change is necessary for consistency with § 91.23. See explanation for Item 7–10.

Ref. Proposal No. 248; § 91.83; Committee 3; Agenda Item I.

§ 91.193 [Amended]

6–17. Section 91.193 is amended by deleting the words "more than six but" in paragraph (c) (3).

Explanation. Present § 91.193(c) (3) requires that one hand fire extinguisher must be conveniently located in the passenger compartment of each airplane accommodating more than six but less than 31 passengers. In consideration of passenger safety, the FAA believes that one hand fire extinguisher should be readily available in the passenger compartment of each airplane accommodating less than 31 passengers.

Ref. Proposal No. 321; § 91.193(c) (3); Committee No. 10; Agenda Item G.

§ 91.201 [Amended]

6–18. Section 91.201 is amended by inserting the words "or sideways" between the words "forward" and "under" in paragraph (b).

Explanation. A number of passenger seats have been installed which have sufficient space between the inboard leg and the aisle to allow an item of baggage to be stowed under the seat and have no restraint sideways. The proposed amendment would allow the stowage of carry-on baggage under passenger's seats only if it would not slide forward or sideways. The current rule prohibits only the forward slide of baggage. The additional restraint should prevent under seat baggage from sliding into the aisle and would further enhance passenger safety.

Ref. Proposal No. 324; § 91.201(b); Committee 10; Agenda Item G.

§ 91.207 [Amended]

6–19. By deleting § 91.207.

Explanation. See explanation for Item 6–8.

Ref. Proposal No. 185A; § 91.207; Committee No. 3; Agenda Item I.

6–20. By amending § 91.213(c) to read as follows:

§ 91.213 Second in command requirements.

* * * * *

(c) No person may designate a pilot to serve as second in command nor may any pilot serve as second in command of an airplane required under this section to have two pilots, unless that pilot meets the qualifications for second in command prescribed in § 61.55 of this chapter.

Section 91.213(a) specifies that, except as provided in § 91.213(c), no person may operate a large airplane without a pilot designated as second in command. Section 91.213(c) limits the requirement for a second in command (in a large aircraft) to airplanes "requiring two pilots under the type certification requirement." The qualification requirements for second in command contained in § 61.55 applies to all large airplanes regardless of the number of pilots required for type certification. To make it clear that all large aircraft require a second in command, § 91.213 proposes to amend current paragraph (c) to delete ". . . requiring two pilots under the type certification requirements . . .," thus correcting the current inconsistency.

Ref. Proposal No. 330; § 91.213(c); Committee 4; Agenda Item D.

APPENDIX I.—Proposals Withdrawn By Proponent

[The proposals listed below were withdrawn by their proponents after the publication of the committee workbooks. The proponents or other interested persons may submit similar proposals in the future. The withdrawal of FAA proposals does not commit the FAA to any future course of action.]

14 CFR (FAR section)	Proposal No.	Committee No.	Agenda Item	Proponent
Pt. 91	153	None	None	Federal Aviation Administration.
Pt. 91	154	None	...do	Do.
91.3	163	3	A	Do.
91.5	165	None	None	Do.
91.11	170	None	...do	Do.
91.11(a)(1)	177	None	...do	Do.
91.20	181	10	H	Do.
91.21(a)	182	3	A	Do.
91.23	187	3	I	Aircraft Owners and Pilots Association.
91.24(b)	188	1	B-1	Federal Aviation Administration.
91.24(c)	189	None	None	Aircraft Owners and Pilots Association.
91.28(b)(3)	197	10	D	Federal Aviation Administration.
91.28(b)	198	10	D	Ministry of Transport, Canada.
91.29	200	None	None	Secretariat General a L'Aviation Civile.
91.29(c)	201	2	N	Federal Aviation Administration.
91.31(b)	203	1	B-1	Do.
91.33	206	None	None	Do.
91.33(b)	204	1	B-1	Do.
91.33(a)	207	None	None	Pacific Southwest Airlines.
91.33(b)(2)	208	1	B-1	Federal Aviation Administration.
91.37	217	3	B	Do.
91.39(b)	218	None	None	Do.
91.39(d)	219	None	...do	Do.
91.51(a)	225	3	A	Do.
91.54(b)	231	10	E	Do.
91.54(c)(1)	233	10	E	Do.
91.83(a)	246	None	None	Do.
91.83 (b) and (c)	247	5	D	Do.
91.105	248	None	None	Do.
91.163	274	None	...do	Do.
91.173(a)(2)(i)	290	None	...do	Do.
91.177(a)	302	None	...do	Do.
91.181	311	10	E	Do.
91.193(d)	322	1	B-2	Do.
91.193(c)	323	1	B-2	Do.
91.209(a)(3)	327	3	H	Do.

APPENDIX II.—Proposals Removed From Consideration From The Operations Review Program

[Based on the FAA's review of the discussion at the Operations Review Conference and of the information submitted by interested persons, the following proposals considered at the Operations Review Conference are removed from consideration for the reasons listed.]

14 CFR (FAR section)	Proposal No.	Committee No.	Agenda item	Proponent
Pt. 91	148	10	A	Pacific Southwest Airlines.
Pt. 91 or 121	156	10	A	Association of Flight Attendants.
Pt. 91	158	1	B-1	C. Hewitt.
Pt. 91D	159	1	B-1	National Transportation Safety Board.
Pt. 91D	160	1	B-1	Do.
91.1	161	3	A	Secretariat General a L'Aviation Civile.
91.3(b)	163	3	A	Air Taxi and Commercial Pilots Association.
91.5(c)	166	3	A	Pacific Southwest Airlines.
91.5(c)	166A	3	A	Do.
91.9	168	3	A	Air Transport Association of America.
91.10	169	3	A	J. Lyon.
91.11(a)(1)	171	10	B	Air Transport Association of America.
91.11	172	10	B	Do.
91.19	180	3	A	Do.
91.21	184	3	A	Air Line Pilots Association.
91.25	190	2	K	Air Transport Association of America.
91.25	192	2	K	Aircraft Owners and Pilots Association.
91.25(b)(1)	193	2	K	Do.
91.29	199	2	N	Aircraft Owners and Pilots Association.
91.33(b)	209	1	B-1	National Air Transport Association.
91.33(c)	210	1	B-1	Sun Chemical Corp.
91.33	211	1	B-1	Do.
91.33(c)	212	1	B-1	General Motors Corp.
91.33(e)	213	1	B-1	Do.
91.36	214	1	B-1	General Aviation Manufacturers Association.
91.36	216	1	B-1	Sun Chemical Corp.
91.40	220	3	A	Aircraft Owners and Pilots Association.
91.41(b)	221	3	N	S. Corso.
91.52	226	1	B-2	Air Line Pilots Association.
91.52	228	1	B-2	Do.
91.53	229	10	A	Aircraft Owners and Pilots Association.
91.55	233	3	B	Air Transport Association of America.
91.82 (b), (c)	244	5	D	R. Taylor.
91.82 (b), (c)	245	5	D	Aircraft Owners and Pilots Association.
91.179	303	2	P	Sun Chemical Corp.
91 subpt. D	316	8	A	D. K. Hillery.
91.201 and 91.203	325	10	G	Do.
91. app. A	336	1	B-2	Sun Chemical Corp.
91. app. A-4	337	2	N	S. Corso.

Proposal 148 This proposal would have amended Part 91 Subpart A to impose cross wind landing restrictions other than those listed in the Airplane Flight Manual. The FAA believes that the current regulations are adequate and the proposal is unnecessary.

Proposal 158 This proposal would have amended §§ 91.33 and 91.52 to allow small aircraft to operate below 3,000 feet with no radio, emergency locator transmitter, or anti-collision lights. The FAA believes that these amendments are not appropriate since the current regulations provide a level of safety which should not be reduced.

Proposal 159 This proposal would have amended Part 91 to require shoulder harnesses to be installed and used in all small airplanes. Part 23 has been amended to require, in newly manufactured aircraft, the installation of a safety belt and shoulder harness for each front seat and a safety belt or safety belt and shoulder harness for other seats. Part 91 has been amended to require, after July 18, 1978, the use of a shoulder harness at crew stations (if the harness is installed). Small aircraft manufactured after July 18, 1979 shall have an approved shoulder harness for each front seat. Hence, the FAA believes that there is not sufficient justification for a requirement to retrofit all small aircraft at this time.

Proposal 160 This proposal would have amended Part 91 to require the use of a white flashing strobe light of high intensity, when required by the aircraft's airworthiness certificate, in place of incandescent lights. The FAA believes that the regulations should specify performance standards and not a particular type of light.

Proposal 161 This proposal would have amended § 91.1 to allow, within the United States, the use of operational rules of other countries as well as the use of rules contained in Annex 6 of the Convention on International Civil Aviation. The FAA believes that the current regulations are adequate and to change them, as proposed, could lead to confusion and adversely affect safety.

Proposal 163 This proposal would have extended the authority of the pilot in command to deviate from any rule to the extent necessary to meet the emergency. Section 91.3 provides for deviation from Subparts A & B when in-flight emergencies require immediate action by the pilot. Deviation authority from all FARs would not enhance safety. Insufficient justification was presented for broadening the emergency authority provisions.

Proposal 166 This proposal would have added a new § 91.5(c) to require additional preflight actions concerning information on landing field conditions. The FAA believes that current data available to the pilot provides an acceptable level of safety.

Proposal 166A This proposal would have amended the preflight actions of the pilot as required by § 91.5 to insure that each pilot has the latest available information concerning obstructions that might exist on the planned route of travel. The FAA believes the proposal is unworkable since much of the information proposed as needed is not available.

Proposal 168 This proposal would have revised § 91.9 to include a stipulation that "No person may intentionally operate an aircraft in a careless or reckless manner * * *" Since proof of intent is extremely difficult, the proposed amendment would make § 91.9 nearly unenforcable. Hence, the FAA disagrees with this proposal.

Proposal 169 This proposal would have eliminated § 91.10 on the basis it is superfluous in view of § 91.9. The FAA does not agree since persons operating aircraft in a careless or reckless manner on the ground are provided for in § 91.10.

Proposal 171 This proposal would have amended § 91.11 by increasing, beyond the current eight hour limitation, the period of time which crewmembers of a civil aircraft must abstain from the consumption of alcoholic beverages. The FAA considers the eight hour restriction valid in the absence of sufficient data presented to support a change.

Proposal 180 This proposal would have amended § 91.19 to exempt handheld electronic calculators from the current usage limitations in that section. Since the evidence presented is inconclusive as to whether such calculators could cause electronic interference, the FAA believes that the current restrictions are necessary.

Proposal 184 This proposal would have revised § 91.21 to prohibit instrument training devices that cover any portion of the windshield; limiting all airborne simulated instrument conditions to the use of a hood worn by the pilot. The FAA agrees with the need for adequate vision during training situations; however, certain tested devices satisfactorily fulfill the safety requirements of § 91.21(b). A ban on all methods of simulation, except for the hood, could discourage future development of training devices.

Proposal 190 This proposal would have changed requirements affecting the tolerances and time limitations allowed for the VOR check. The FAA has determined that insufficient justification was presented to assure the same level of safety.

Proposal 192 This proposal would have revised § 91.25 to differentiate between aircraft flown for hire and others in the requirements for the VOR equipment check for IFR operations. The FAA

believes the IFR environment is a common system; therefore, the same standards should apply for all operations. Secondly, the proposal would have extended the required operational check for VOR equipment to 90 days. As indicated in the explanation for the proposed amendment to § 91.25, (Items 7–10), the FAA believes that changes in the receiving characteristics of VOR equipment are likely to be related more to flight time than calendar time. Hence, the FAA does not support the proposed extension of the required operational check to 90 days.

Proposal 193 This proposal would have amended certain paragraphs of § 91.25 by imposing more stringent standards of accuracy tests for VOR equipment. The FAA believes there was insufficient statistical data presented to support a change, nor any indication that the change would contribute to flight safety.

Proposal 199 This proposal would have amended § 91.29 to require the owner or operator of a civil aircraft to provide the pilot with an aircraft that has been maintained and inspected as required by the applicable rules of Subpart C of Part 91 and in accordance with the provisions of other applicable parts. The FAA believes that there is no need for additional rulemaking since current rules require the owner/operator to inspect and maintain his aircraft.

Proposal 209 This proposal would have deleted § 91.33(b)(11). The FAA believes this would not be in the interest of safety since this section is designed as a minimum requirement to protect passengers carried for hire over water and beyond power-off gliding distance from shore.

Proposal 210 This proposal would have amended § 91.33 by adding additional requirements for instrument lighting during night VFR conditions. The FAA has determined that insufficient justification was presented for a rule change.

Proposal 211 This proposal would have amended § 91.33 to require altimeter tests in accordance with Part 43, Appendix F for all IFR flight, and added a requirement for a vertical speed indicator. The FAA has determined that insufficient justification was presented for a rule change.

Proposal 212 This proposal would have allowed a flight to enter an altitude above 24,000 feet with an inoperative DME. The FAA believes that flight above 24,000 feet without a DME should apply only to emergency conditions when the DME fails in flight while above 24,000 feet.

Proposal 213 This proposal would have deleted § 91.33(e) requiring DME for flight above 24,000 feet MSL. The FAA has determined that insufficient justification was presented for a rule change.

Proposal 214 This proposal would have deleted § 91.35(b) requiring an accuracy test of automatic pressure altitude reporting equipment. The FAA believes this operational requirement is necessary to ensure proper calibration of equipment required under § 91.24 and such a deletion could adversely affect safety.

Proposal 216 This proposal would have added a new paragraph to Part 43 requiring an entry in the aircraft records of work performed. The FAA believes the intent of the proposal is adequately covered by current § 43.9.

Proposal 220 This proposal would have amended § 91.40 to allow limited category aircraft to carry cargo for hire. The FAA believes public safety would be adversely affected by allowing the proposed operations.

Proposal 221 This proposal would have amended § 91.41(h) to change the maintenance inspection concept for provisionally certificated aircraft. The FAA believes the inspections required by the current regulations provide the required level of safety.

Proposals 226 and 228 These proposals would have deleted portions of § 91.52(b) and § 91.52(f) concerning emergency locator transmitters. The FAA has determined that insufficient justification was presented for a rule change.

Proposal 229 This proposal would have eliminated § 91.53, which requires the reporting of certain aircraft information. The FAA is of the opinion that the report is necessary to insure an efficient and safe air traffic system that responds to the needs of the public.

Proposal 233 This proposal would have amended § 91.55 and Appendix B of Part 91 to allow aircraft operations in excess of Mach 1, subject to the current conditions prescribed in Section 2(b) of Appendix B of Part 91, without the operator first obtaining an authorization based on a showing that conditions and limitations can be met. The issue of sonic boom and protection of public health and welfare should be treated separately under the procedures specified in Section 611 of the Federal Aviation Act of 1958, as amended by the Noise Control Act of 1972.

Proposal 244 and 245 These proposals would have changed § 91.83(b) which specifies alternate airport weather minimums. Concern was expressed with interpretation, clarity, and applicability of the present requirements. The FAA believes the changes to § 91.23 (Proposal Nos. 186 and 187) will incorporate the major recommendations and should satisfactorily relieve these problems, increase the effectiveness of the regulations, and promote a higher level of safety.

Proposal 303 This proposal would have added a "mechanical reliability report" under § 91.179. The FAA believes the present voluntary reporting system to be desirable and that such a requirement would be burdensome to the general aviation industry.

Proposal 316 This proposal would have added a new § 91.184 to impose flight and duty time limitations on flight crewmembers in certain Part 91 operations. The FAA has determined that insufficient justification was presented for a rule change.

Proposal 325 This proposal would have amended the regulations to provide for stowage of carry-on baggage on airplanes having a seating capacity of more than four passengers. Present rules prohibit the stowage of carry-on baggage aboard an airplane having a seating capacity of more than 19 passengers, unless stowage is conducted in accordance with paragraph (a) and (b) of § 91.201. Since airplanes with a seating capacity of more than four passengers do not normally have room available in the cabin to stow baggage and cargo, except in the approved cargo bin and baggage racks, the proposed rule change is not feasible.

Proposal 336 This proposal would have amended Part 91, Appendix A2(b)(3) by requiring the externally vented static pressure system to be appropriately heated or have equivalent means of preventing malfunctioning due to ice on the static source. The FAA believes this requirement to be adequately covered by § 23.1325 and § 25.1325 of the Federal Aviation Regulations.

Proposal 337 This proposal would have amended Part 91, Appendix A4 by deleting all details of Category II maintenance schedules requiring the publication of these rules in an advisory circular form. The FAA believes these practices should be retained in a regulatory form and a relaxation of these rules would derogate safety in Category II operations.

(Secs. 313, 314, and 601 through 610 of the Federal Aviation Act of 1958 (49 U.S.C. 1354, 1355, and 1421 through 1430) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C. on August 24, 1977.

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