

# federal register

250-060  
F.R.  
18-Vols  
MONDAY, DECEMBER 27, 1976



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## AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

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

Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
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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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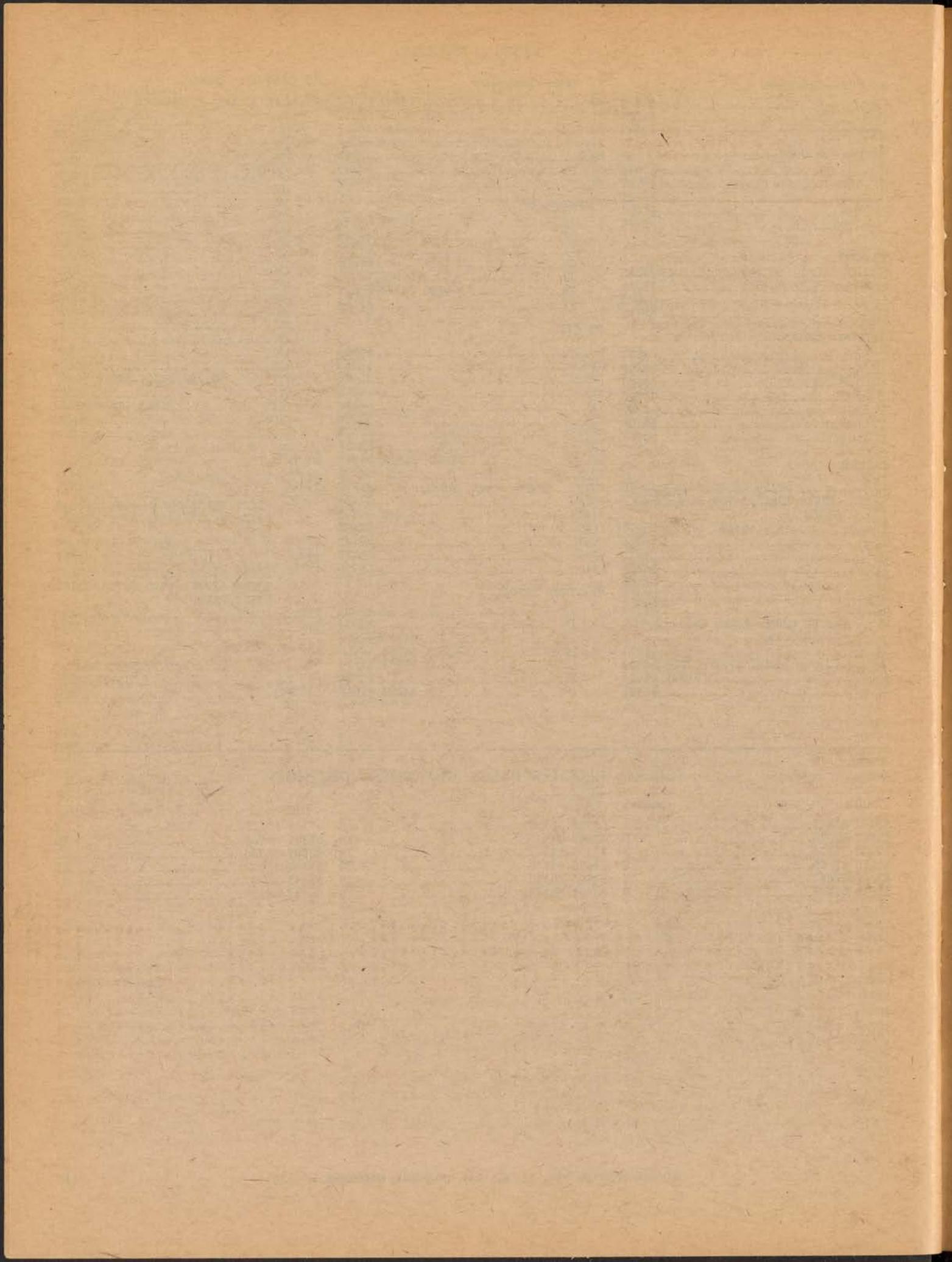
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# rules and regulations

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 7—Agriculture

### CHAPTER XVII—RURAL ELECTRIFICATION ADMINISTRATION, DEPARTMENT OF AGRICULTURE

#### PART 1701—PUBLIC INFORMATION

##### REA Bulletins: Preservative Treatment of Wood Poles, Stubs, and Anchor Logs

Appendix A to Part 1701, Title 7, is hereby amended to provide for the revision of REA Bulletin 44-2:345-1, REA Specification DT-5C:PE-9 for Wood Poles, Stubs, and Anchor Logs and for Preservative Treatment of these Materials.

In accordance with proposed rulemaking procedures, notice of the proposed revision of REA Bulletin 44-2:345-1 was published in the FEDERAL REGISTER on March 5, 1976 (41 FR 9557). Interested persons were given 30 days in which to submit written data, views or comments.

The only comment received as a result of the notice of the proposed revision took exception to the preservative retention requirements for LPG treated poles stated in Table 10 of the proposed specification.

In the revision of the specification, REA has proposed an assay of two zones (outer and inner), rather than an assay of only an inner zone for LPG treated poles. The commentator did not object to the two-assay zone requirement, but did recommend that REA specify the same retentions for both the LPG treatment and the penta in heavy solvent treatment. The exception by the commentator was based essentially on the proposed retention requirement in the outer assay zone (zero to 0.5 inch for Douglas fir and the pine species, and zero to 0.6 inch for western larch and the cedar species for which only the outer assay zone will be required).

The proposed zone assays and retentions are intended to improve the quality of LPG treated poles and are considered necessary because of field experience. The proposed retention in the outer assay zone is based on the requirements of Federal Specification TT-W-00571J. The Federal specification requires an assay of only one zone, which in the thin sawwood species is a narrow zone near the pole surface. This narrow assay zone near the pole surface is comparable to REA's proposed outer assay zone, and for the outer zone we have proposed the same retention value as that in the Federal specification for the narrow zone near the pole surface.

After consideration of the exception and supporting statements, and after an extensive review of available field data

and published information including a comparison of the proposed specification requirements with Federal Specification TT-W-00571J, REA has decided that the proposed requirements are reasonable.

Accordingly, revised REA Bulletin 44-2:345-1 is being issued as proposed with an effective date of January 1, 1977.

Dated: December 14, 1976.

DAVID A. HAMIL,  
Administrator.

[FR Doc.76-37562 Filed 12-23-76;8:45 am]

## Title 10—Energy

### CHAPTER I—NUCLEAR REGULATORY COMMISSION

#### PART 35—HUMAN USES OF BYPRODUCT MATERIAL

##### Group Licensing for Certain Medical Uses

Notice is hereby given of the amendment of the Nuclear Regulatory Commission's regulation "Human Uses of Byproduct Material," 10 CFR Part 35.

Section 35.100 of 10 CFR Part 35 lists groups of medical uses of radioisotopes that have similar requirements for user training and experience, facilities and equipment, and radiation safety procedures.

The notice of proposed rule making that was published in the FEDERAL REGISTER on January 21, 1974 (39 FR 2384) stated that the groups of licensed uses would be amended from time to time to add new radiopharmaceuticals, sources, devices, and uses as they are developed.

The amendment of 10 CFR 35.100(c) (3) (i) adds the use of sulfur colloid for bone marrow imaging. This change in Group III conforms with the Group II, 10 CFR 35.100(b) (21), use of technetium-99m as labeled sulfur colloid for liver, spleen, and bone marrow imaging.

Because this amendment relates solely to procedural matters, the Commission has found that good cause exists for omitting notice of proposed rule making, and public procedure thereon, as unnecessary. Since the amendment relieves licensees from restrictions under regulations currently in effect, it may become effective without the customary 30-day notice.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and Sections 552 and 553 of Title 5 of the United States Code, the following amendment to Title 10, Chapter I, Code of Federal Regulations, Part 35 is published as a document subject to codification.

1. Section 35.100 of 10 CFR Part 35 is amended by revising § 35.100(c) (3) (i) to read as follows:

\* \* \* \* \*

§ 35.100 Schedule A—Groups of medical uses of byproduct material.

\* \* \* \* \*

(c) Group III. Use of generators and reagent kits for the preparation and use of radiopharmaceuticals containing by-product material for certain diagnostic uses.

\* \* \* \* \*

(3) Reagent kits for preparation of technetium-99m labeled;  
(i) Sulfur colloid for liver, spleen, and bone marrow imaging.

\* \* \* \* \*

Effective date: This amendment becomes effective on December 27, 1976.

(Secs. 81, 161b, Pub. L. 83-703, 68 Stat. 935, 948 (42 U.S.C. 2111, 2201); Sec. 201, Pub. L. 93-438, 88 Stat. 1242 (42 U.S.C. 5841).)

Dated at Bethesda, Maryland this 8th day of December 1976.

For the Nuclear Regulatory Commission.

LEE V. GOSSICK,  
Executive Director for Operations.

[FR Doc.76-37939 Filed 12-23-76;8:45 am]

## Title 12—Banks and Banking

### CHAPTER 1—COMPTROLLER OF THE CURRENCY, DEPARTMENT OF THE TREASURY

#### PART 1—INVESTMENT SECURITIES REGULATION

##### Editorial Revision of Undesignated Center Heads

The existing undesignated center heads following §§ 1.12 and 1.226 suggest that a different category of ruling follows each center head. Since this is not the case the existing center heads are being replaced by a single revised center head more accurately describing the rulings which follow.

12 CFR Part 1 is amended by rescinding the undesignated center head following § 1.226 and by revising the undesignated center head following § 1.12 to read as follows:

SECURITIES ELIGIBLE FOR PURCHASE, DEALING IN AND UNDERWRITING; LIMITATIONS ON HOLDINGS

Dated: December 17, 1976.

ROBERT BLOOM,  
Acting Comptroller of  
the Currency.

[FR Doc.76-37793 Filed 12-23-76;8:45 am]

## RULES AND REGULATIONS

Title 14—Aeronautics and Space  
CHAPTER II—CIVIL AERONAUTICS BOARD

## SUBCHAPTER E—ORGANIZATION REGULATIONS

[Regulation OR-105, Amendment 51]

## PART 385—DELEGATION AND REVIEW OF ACTION UNDER DELEGATION: NON-HEARING MATTERS

Delegation to Chief, Passenger and Cargo Rates Division, Bureau of Economics, To Issue Lists of Carrier Parties to Montreal Agreement

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., December 16, 1976.

Effective: December 16, 1976.

Adopted: December 16, 1976.

Under existing practice the Board periodically issues and distributes an updated list of carrier parties to Agreement C.A.B. 18900 (the Montreal Agreement) providing for increased liability limitations and waiver of defenses under Article 20(1) of the Warsaw Convention or the Hague Protocol. Issuance of these lists involves no policy issues or other matters warranting the Board's consideration. Thus, the periodically recurring preparation and submission of drafts of the lists and appropriate covering letters, presently done by the staff of the Passenger and Cargo Rates Division of the Bureau of Economics, for final Board issuance, entails an unnecessary administrative workload. Accordingly, the Board is hereby delegating to the Chief, Passenger and Cargo Rates Division, the authority to maintain, issue, and distribute such lists.

Since this amendment affects a rule of agency organization and procedure, the Board finds that notice and public procedure are unnecessary, and that the rule may be effective immediately.

Accordingly, the Board hereby amends Part 385 of its Organization Regulations (14 CFR Part 385) effective December 16, 1976, as follows:

Amend § 385.14 by adding a new paragraph (k) to read as follows:

§ 385.14 Delegation to the Chief, Passenger and Cargo Rates Division, Bureau of Economics.

(k) Maintain, issue, and distribute lists of all carrier parties to Agreement 18900 (Montreal Agreement) providing for increased liability limitations on personal injury or death and waiver of defenses under Article 20(1) of the Warsaw Convention or the Hague Protocol.

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

By the Civil Aeronautics Board.

JAMES R. DERSTINE,  
Acting Secretary.

[FR Doc.76-37904 Filed 12-23-76;8:45 am]

## Title 17—Commodity and Securities Exchange

## CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release No. 33-5767A]

## PART 239—FORMS PRESCRIBED UNDER THE SECURITIES ACT OF 1933

Registration of Securities To Be Offered or Sold Pursuant to Certain Employee Benefit Plans; Correction

Title of securities to be registered	Amount to be registered	Calculation of registration fee		Amount of registration fee
		Proposed maximum offering price per share	Proposed maximum aggregate offering price	

num offering price per share," so that that portion now reads as follows:

II. On page 52665, column 3, Note 3 to General Instruction E should be changed by substituting the word "person" for the word "plan" so that the Note now reads as follows:

3. The term "person" as used in General Instruction E shall be the same as is set forth in Rule 144 (a) (2) under the Act.

III. On page 52666, column 1, Instruction 3 of Item 3 of "Information Required in the Prospectus" should be deleted entirely and the following substituted therefor:

3. In case a number of options are outstanding having different prices and expiration dates, the options may be grouped by prices and dates. If this produces more than five separate groups then there may be shown only the range of the expiration dates and the average purchase prices, i.e., the aggregate purchase price of all securities of the same class called for by all outstanding options to purchase securities of that class divided by the number of securities of such class so called for.

IV. On page 52667, column 1, Instruction 1 to Item 14 of "Information Required in the Prospectus" should be changed by substituting "Summary of Operations" for "Summary of Earnings" so that Instruction 1 now reads as follows:

Instructions.—1. If the annual report of the issuer to its security holders for its last fiscal year includes a summary of operations substantially meeting the above requirements and Management's Discussion and Analysis of the Summary of Operations, when applicable, such summary and discussion may be incorporated by reference in the prospectus, provided copies of the report containing such information are filed as an exhibit to the registration statement.

V. On page 52667, column 1, Instruction 2 to Item 14 should be changed by deleting the word "net" from the phrase "net income before extraordinary items" so that Instruction 2 now reads as follows:

2. Subject to appropriate variation to

In FR Doc. 76-35227 appearing at page 52662 in the FEDERAL REGISTER of December 1, 1976 (Securities Act Release No. 33-5767, November 22, 1976), the following corrections should be made.

I. On page 52665, the Calculation of Registration Fee portion of the cover page of Form S-8 should be changed by substituting "Proposed maximum offering price per share" for "Proposed mini-

conform to the nature of the business, the following items shall be included: net sales or operating revenues; cost of goods sold or operating expenses (or gross profit); interest charges; income taxes; income before extraordinary items; extraordinary items, and net income.

GEORGE A. FITZSIMMONS,  
Secretary.

DECEMBER 17, 1976.

[FR Doc.76-37780 Filed 12-23-76;8:45 am]

## Title 18—Conservation of Power and Water Resources

## CHAPTER I—FEDERAL POWER COMMISSION

## SUBCHAPTER A—GENERAL RULES

[Docket Nos. CP75-96 and RM77-6;  
Order No. 558A]

## PART 2—GENERAL POLICY AND INTERPRETATION

## Statement of Procedures Prescribed for the Implementation of the Alaska Natural Gas Transportation Act of 1976

Pursuant to the provisions of the Alaska Natural Gas Transportation Act of 1976, Pub. L. No. 94-586, particularly sections 3 and 5 thereof (90 Stat. 2903-2906; 15 U.S.C. 719a and 15 U.S.C. 719c) and pursuant to the provisions of the Natural Gas Act, particularly sections 4, 5, 7, 8, 10, 14, 15, 16 and 23 thereof (52 Stat. 822, 823, 824, 825, 826, 828, 829, 830; 56 Stat. 83, 84; 61 Stat. 459, 76 Stat. 72; 15 U.S.C. 717c, 717d, 717f, 717g, 717l, 717m, 717n, 717o and 717w), the Commission will amend § 2.100 by adding a new subsection (d), § 2.100, Part 2, General Policy and Interpretation, in Subchapter A—General Rules, Chapter I, Title 18 of the Code of Federal Regulations. On December 14, 1976, the Commission issued Order No. 558, adopting certain procedures under the Alaska Natural Gas Transportation Act (Act). This order is in furtherance of the Commission's responsibilities under the Act.

The Commission hereby provides for the appointment of a delegate who may receive the presentation of data, views

and arguments relative to the issues in this proceeding. This delegate, and those working with him, shall request information and assistance from other Federal agencies, as contemplated under section 5(b)(3) of the Act, as well as from persons or agencies in the private sector, but not from the applicants to this proceeding.

Under the timetable established by the Alaska Natural Gas Transportation Act, and Commission Order No. 558, issued December 14, 1976, the Commission will have only the period between February 1, 1977, and May 1, 1977, to comply with all of its responsibilities under the Act and issue a recommendation to the President. It may develop that the Commission will find that compliance with its responsibilities requires the preparation or consideration of material beyond that in the record before the Administrative Law Judge. If such work were not to begin until February 1, the Commission might find it impossible to comply with its responsibilities under the Act. By providing for the appointment of a delegate and his staff by official letter from the Chairman, this work may commence at once.

To facilitate the work of this group, the Commission hereby suspends the operation of the ex parte rule, 18 CFR § 1.4 (d), with regard only to the delegate and his staff, and with regard only to this proceeding to the extent specified herein.

The delegate and his staff shall not, however, communicate with the Administrative Law Judge, or any person working with him, or the Commissioners or their personal staffs, concerning any matter of substance and any of the data gathered during their activities. At some point in the future it may be appropriate for the Commission by order to receive such communications, or to suspend the ex parte rules entirely with regard to its own operations. However, any such action would be a matter for future consideration.

The action here is intended only to facilitate the preparation and gathering of information, the use of which will be determined at a later date.

The Commission finds: (1) It is necessary and appropriate for purposes of the implementation of the provisions of the Alaska Natural Gas Transportation Act, 15 U.S.C. 719, et seq., and the provisions of the Natural Gas Act, 15 U.S.C. 717(a), et seq., to amend Section 2.100, Part 2, General Policy and Interpretation, Subchapter A, General Rules, Chapter I, Title 18, Code of Federal Regulations, by the addition of subsection (d).

(2) In view of the purpose, intent, and effect of the amendment, good cause exists for making it effective upon issuance of this order.

The Commission, acting pursuant to the provisions of the Alaska Natural Gas Transportation Act of 1976, 15 U.S.C. 719, et seq., particularly sections 3 and 5 thereof (90 Stat. 2903, 2904, 2905, 2906; 15 U.S.C. 719a and 719c), and pursuant to the provisions of the Natural Gas Act,

particularly Sections 4, 5, 7, 8, 10, 14, 15, 16, and 23 thereof (52 Stat. 822, 823, 824, 825, 826, 828, 829, 830; 56 Stat. 83, 84; 61 Stat. 459, 76 Stat. 72; 15 U.S.C. 717c, 717d, 717f, 717g, 717i, 717m, 717n, 717o and 717w), orders:

(A) Section 2.100, Part 2, General Policy and Interpretation, Subchapter A, General Rules, Chapter I, Title 18, Code of Federal Regulations, is hereby amended by adding a new paragraph (d) to read as follows:

**§ 2.100 Statement of Procedures Prescribed For the Implementation of The Alaska Natural Gas Transportation Act of 1976, 15 U.S.C. 719, et seq.**

(d) A delegate, to be designated by the Chairman, is to be appointed to receive data, views and arguments. Additional persons to work with the delegate shall be designated by letter from the Chairman. With regard to such persons, and with regard only to matters covered by the Alaska Natural Gas Transportation Act of 1976, the operation of 18 CFR 1.4(d) is suspended. The delegate and his staff shall not communicate any matters received under the above suspension of the rules to the Administrative Law Judge or his staff, or any of the Commissioners or their personal staffs, except as may be required by further order of the Commission.

(B) The amendment provided for herein shall be effective immediately upon issuance. Such amendment shall expire upon the selection of a transportation system by the Congress, or upon the termination of The Alaska Natural Gas Transportation Act of 1976 pursuant to section 20 thereof, or as otherwise provided by law.

(C) The procedures promulgated herein are subject to further Commission order as may be necessary and appropriate.

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

By the Commission.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 76-37861 Filed 12-23-76; 8:45 am]

**Title 31—Money and Finance: Treasury  
CHAPTER II—FISCAL SERVICE,  
DEPARTMENT OF THE TREASURY  
SUBCHAPTER B—BUREAU OF THE PUBLIC  
DEBT  
PART 350—REGULATIONS GOVERNING  
BOOK-ENTRY TREASURY BILLS**

Department of the Treasury Circular, Public Debt Series No. 26-76, dated December 2, 1976 (31 CFR Part 350), is hereby amended:

(1) To indicate that the provisions of § 350.6(a)(2) describing how book-entry Treasury bill accounts should be maintained thereunder represent Department of the Treasury recommendations relative to the maintenance of such accounts;

(2) To clarify the provisions of § 350.14(a) to indicate that requests for re-investment of maturing Treasury bills held under Subpart C would be made by the depositor "in whose name the account is maintained"; and

(3) To change the provisions of § 350.17(f), pertaining to the issuance of definitive Treasury bills to eligible investors, to make clear that such bills would be available for periods co-extensive with their maturity dates.

As amended, the above sections read as follows:

31 CFR Part 350 is amended as follows: Section 350.6 is amended by revising paragraph (a)(2) as set forth below:

**§ 350.6 Book-entry Treasury bill accounts.**

(a) \* \* \*

(2) *Identification of accounts.* Book-entry accounts may be established in such form or forms as customarily permitted by the entity (e.g., member bank, or other banking or thrift institution, or a securities dealer) maintaining them. The recommended identification for each such account would include data to permit both customer identification by name, address and taxpayer identifying number, as well as a determination of the Treasury bills being held in such account by amount, maturity date and CUSIP number, and of transactions relating thereto.

Section 350.14 is amended by revising paragraph (a) as set forth below:

**§ 350.14 Reinvestment or payment at maturity.**

(a) *Request for reinvestment.* Upon the request of the depositor in whose name the account is maintained, book-entry Treasury bills held therein will be reinvested at maturity, i.e., their proceeds at maturity will be applied to the purchase of new Treasury bills at the average price (in three decimals) of accepted competitive bids for such Treasury bills then being offered. The request for a reinvestment may be made on the tender form at the time of purchase; subsequent requests for reinvestment will be accepted if received by the Bureau no later than ten business days prior to the maturity of the bills. The difference between the par value of the maturing bills and the issue price of the new bills will be remitted to the subscriber in the form of a Treasury check. Requests for the revocation of the reinvestment of bills will also be accepted if received no later than ten business days prior to the maturity date.

Section 350.17 is amended by revising paragraph (f) as set forth below:

**§ 350.17 Definitive Treasury bills—available where holding of definitive securities required by law—termination date December 31, 1978.**

(f) *Termination date.* The provisions of this subpart will apply only to defini-

tive Treasury bills whose issuance in such form was authorized prior to December 31, 1978, and whose availability will be co-extensive with their maturity dates.

The foregoing amendment was effected under authority of sections 5 and 20 of the Second Liberty Bond Act, as amended (40 Stat. 290, as amended; 31 U.S.C. 754 48 Stat. 343, as amended; 31 U.S.C. 754b; and 5 U.S.C. 301.) Notice and public procedures thereon are deemed unnecessary as the fiscal policy of the United States is involved.

Dated: December 20, 1976.

DAVID MOSSO,  
Fiscal Assistant Secretary.

[FR Doc.76-37810 Filed 12-23-76;8:45 am]

### Title 39—Postal Service

#### CHAPTER I—U.S. POSTAL SERVICE

#### PART 259—SERVICES PERFORMED FOR OTHER AGENCIES

##### Housing Vacancy Surveys for the Federal Home Loan Bank Board

The Postal Service and the Federal Home Loan Bank Board (FHLBB) entered into an agreement, effective October 19, 1976, under which the Postal Service will conduct housing vacancy surveys in city delivery offices for the FHLBB upon request by that agency. The purpose of this document is to amend 39 CFR 259 of postal regulations to inform managers of city delivery offices of their responsibilities under the agreement as well as the limitations contained in the agreement. These amendments are effective immediately.

(39 U.S.C. 401(2), 411)

ROGER P. CRAIG,  
Deputy General Counsel.

#### § 259.1 Government.

1. In § 259.1 paragraph (b) is amended by revising the first sentence thereof to read as follows:

(b) Except as provided in paragraph (c) of this section, arrangements for Postal Service participation in special surveys, censuses, and other activities must be made between the national headquarters of the requesting agencies and the Customer Services Department, U.S. Postal Service, Washington, D.C. 20260. \* \* \*

2. Paragraph (c) is redesignated (d); and new paragraph (c) is added reading as follows:

(c) *Housing Vacancy Surveys.* (1)—General.—An interagency agreement between the U.S. Postal Service (USPS) and the Federal Home Loan Bank Board (FHLBB) establishes the terms and conditions and reimbursement rates under which USPS will conduct Housing Vacancy Surveys in City Delivery offices when requested by FHLBB.

(2) *Restrictions.*—The Agreement only authorizes the disclosure of aggregate statistical data. Postal managers must not permit the name or address of any past or present postal patron, or any other person to be disclosed unless such

disclosure is authorized in writing by USPS Regions or Headquarters and is not in violation of 39 U.S.C. 412.

(3) *Postmaster's Responsibility.*—(i) A postmaster will receive notification from FHLBB when his office has been selected to conduct a Housing Vacancy Survey. Normally, written notification will be mailed to the postmaster 30 days in advance of the date FHLBB would like USPS to conduct the survey, since USPS is under no obligation to use overtime or auxiliary assistance to conduct these surveys. The postmaster or his designee will schedule the survey on or near the date requested and will promptly reply to FHLBB so that the necessary forms will be provided on time.

(ii) All necessary forms and instructions will be supplied directly to each post office to be surveyed. Postmasters will designate a manager in each delivery unit to coordinate the survey within the unit and to review completed survey forms for accuracy.

(iii) FHLBB may request USPS to perform special or emergency surveys with less than 30 days advance notice. Since FHLBB has agreed to reimburse USPS at twice the normal rates for promptly performing such surveys, every reasonable effort should be made to accommodate such requests in a timely manner.

(iv) Housing Vacancy Surveys will not be conducted during the month of December of any year.

(v) Postmasters will notify the Office of Delivery and Collection, Washington, D.C. 20260, of the number of each type survey form completed for FHLBB. FHLBB will then remit payment directly to Headquarters, USPS.

(vi) USPS will not release or publish any survey results except in response to a court order, subpoena, or as required by the Freedom of Information Act.

[FR Doc.76-37865 Filed 12-23-76;8:45 am]

### Title 40—Protection of Environment

[FRL 659-8]

#### CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

#### PART 30—GENERAL GRANT REGULATIONS AND PROCEDURES

##### Amendments

Amendments are hereby promulgated implementing the requirements of Office of Management and Budget Circular No. A-110 published in the FEDERAL REGISTER on July 30, 1976 (41 FR 32016). The Circular furnished guidance to Federal agencies for obtaining consistency and uniformity among Federal agencies in the administration of grants to institutions of higher education, hospitals, and other nonprofit organizations.

Pursuant to the authority of the Administrator of the Environmental Protection Agency, contained in 40 CFR 30.101, Part 30 is hereby amended.

In accordance with 40 CFR 30.125, public comment on grant regulations is solicited on a continuous basis. Com-

ments may be submitted in writing to Director, Grants Administration Division (PM-216), U.S. Environmental Protection Agency, 401 M Street, S.W., Room 435 WSMW, Washington, D.C. 20460.

*Effective date:* These regulations shall become effective January 1, 1977, since they do not substantially change current Agency policies and requirements and prompt implementation is required in order to comply with the OMB directive.

Dated: December 17, 1976.

RUSSELL E. TRAIN,  
Administrator.

1. Delete § 30.615-1(a), (b), (c), and (d) in their entirety and substitute the following:

#### § 30.615-1 Method of payment.

(a) Payment for waste treatment construction grants will be on a reimbursable basis (see §§ 35.845 and 35.945).

(b) Payment for other grant programs will be on an advance basis. Grantees must request the initial advance payment on SF270, Request for Advance or Reimbursement. The initial advance will be based on the grantee's projected cash requirements, not to exceed the first three months. The cash advance will be issued either in one check or one check each month at the agency's option. As the grantee incurs expenditures under the grant, the grantee will submit a request for payment at least quarterly, but generally no more frequently than monthly. This request will report cumulative expenditures incurred under the grant and the grantee's projected cash requirements for the next advance period. The agency will make payment for any expenditure exceeding the previous advance and will provide for the grantee's projected cash requirements for the next advance period.

(c) Payment for certain grants authorized advance financing will be made by letter-of-credit. Detailed procedures will be provided to the grantee when a grantee meets the Treasury Department's criteria for this method of payment.

(d) For grants paid on an advance basis, payments will be made in a manner that will minimize the time elapsing between the transfer of funds from the United States Treasury and the disbursement of those funds by the grantee. For grants which are paid on a reimbursable basis, payment will be made promptly upon submission by the grantee of the properly completed payment request. Grantees not complying with the timing requirements under advance payment methods may be transferred to the reimbursable payment method.

2. Revise the second sentence in § 30.615-2(a) to read as follows:

#### § 30.615-2 Cash depositories.

(a) \* \* \* However, a separate bank account shall be used when payments under a letter-of-credit are made on a "checks-paid" basis in accordance with

agreements entered into by the grantee, EPA, and the bank involved.

3. Revise the third sentence in § 30.620 (b) to read as follows:

**§ 30.620 Grant related income.**

(b) \* \* \* The net amount of such income shall be retained by the grantee and, except as may be otherwise provided in the grant agreement, shall be used to further support the project; or for grants with institutions of higher education, hospitals, and other nonprofit organizations may be used to finance the non-Federal share of the project, if approved by EPA. \* \* \*

4. Delete § 30.620-2 and substitute the following:

**§ 30.620-2 Royalties received from copyrights and patents.**

Unless the grant agreement provides otherwise, grantees (other than profit making) shall have no obligations to EPA with respect to royalties they receive as a result of copyrights or patents produced under the grant. However, nothing in this section shall be construed to diminish or eliminate any rights or privileges flowing to the Federal Government as a result of the provisions of 40 CFR Part 30, Appendix B—Patents and Inventions or Appendix C—Rights in Data and Copyrights.

5. Add the following paragraph (c) at the end of § 30.635-5.

**§ 30.635-5 Property reports.**

(c) For all EPA grants, grantees shall submit an annual inventory of federally-owned property in their possession.

6. Revise the first sentence of § 30.810-1 (a) to read as follows:

**§ 30.810-1 Definitions.**

(a) \* \* \* The net invoice unit price of the property including the cost of modifications, attachments, accessories, or auxiliary apparatus necessary to make the property usable for the purpose for which it was acquired. \* \* \*

7. Revise § 30.810-3(a) (6) and add a new subparagraph (8) to read as follows:

**§ 30.810-3 Property management standards.**

(6) Location, use, condition of property, and date the information was reported.

(8) Unit acquisition cost.

8. Delete the entire paragraph from § 30.810-7(a) and substitute the following:

**§ 30.810-7 Nonexpendable personal property acquired with Federal funds.**

(a) Use.

(1) When nonexpendable personal property is acquired by a grantee as a direct cost under a grant, the grantee shall retain the property in the grant program for its useful life or as long as there is a need for the property to accomplish the purpose of the grant program, whichever is shorter.

(2) During the time that nonexpendable personal property is held for use on the project or program for which it was acquired, the grantee shall make it available for use on other projects or programs if such other use will not interfere with the work on the project or program for which the property was originally acquired. If the property is owned by the Federal Government, use on other activities not sponsored by the Federal Government is permissible subject to prior approval by EPA. User charges will be made, if appropriate.

(3) Except as may be provided in the grant agreement, when there is no longer a need for such property for the grant program, the grantee may utilize the property in the following order of priority:

- (i) Other grant activities sponsored by EPA,
- (ii) Grant activities sponsored by other Federal agencies.

9. Revise the first sentence from § 30.810-8 to read as follows:

**§ 30.810-8 Expendable personal property acquired with grant funds.**

Title to expendable personal property shall vest in the grantee upon acquisition. If there is a residual inventory of such property exceeding \$1,000 in total aggregate fair market value upon termination or at the conclusion of the project period, and the property is not currently needed for any other federally-sponsored project or program, the grantee shall retain the property for use on nonfederally-sponsored activities, or sell it, but must in either case, compensate EPA for its share. \* \* \*

[FR Doc.76-37936 Filed 12-23-76;8:45 am]

**Title 45—Public Welfare  
CHAPTER X—COMMUNITY SERVICES ADMINISTRATION  
PART 1067—FUNDING OF GRANTEE PROGRAMS**

**Subpart—Preparation of CSA Form 314, Statement of CSA Grant**

From January 1, 1972 to the present, the preparation of OEO/CSA Form 314 and, consequently, the obligation of OEO/CSA funds has been governed by OEO Instruction 6710-1, Change 7. As this document was promulgated before the enactment of Section 623 of the Eco-

nomic Opportunity Act of 1964, as amended, on September 19, 1972, it was not published in the FEDERAL REGISTER. OEO Instruction 6710-1, Change 7 is now repromulgated in a clarified and updated version (CSA Instruction 6710-1, CH 10), as 45 CFR 1067.30. Section 5d of this Instruction allowed grantees' "Use of [grant] funds until fully expended unless a termination date is entered in column 12 of OEO Form 314"; this subpart now makes it clear that under the corresponding provision, CSA may reprogram such unexpended Federal funds as part of a subsequent grant. However, CSA normally will not require repayment of such funds to the government by an on-going grantee.

As the substance of this subpart is presently in effect and the changes made are technical, except for the provision discussed above which is interpretive, this subpart will be effective immediately on an interim basis. Public comments received by January 20, 1977 will be considered in deciding whether any revision of this subpart is necessary. Please address any comments to Community Services Administration, 1200 19th Street, N.W., Washington, D.C. 20506.

AUTHORITY: The provisions of this subpart issued under sec. 602, 78 Stat. 530; 42 U.S.C. 2942.

Effective date: December 27, 1976.

ROBERT C. CHASE,  
Acting Director.

45 CFR Chapter 10, is amended by adding a new subpart 1067.30 reading as follows:

- Sec.
- 1067.30-1 Applicability.
- 1067.30-2 Definitions of terms as used in this subpart.
- 1067.30-3 Purpose.
- 1067.30-4 Policy.
- 1067.30-5 Procedure.

**§ 1067.30-1 Applicability.**

This subpart applies to all grants to public and private organizations made under Titles II, III-B, and VII of the Community Services Act when such assistance is administered by the Community Services Administration.

**§ 1067.30-2 Definitions of terms as used in this subpart.**

(a) A program year is a grantee's 12-month accounting period. For community action agencies, this is the funding period for the principal grant that provides funds for most of the grantee's administrative costs. For other agencies funded by CSA this is their usual 12-month accounting period which may or may not correspond with the funding period of their grant(s) from CSA.

(b) A program account funding period extends from the effective date of a new or refunding action (Item 3) through the termination date (Item 12) or expiration of planned number of months for which funding is provided (Item 13). (See attached CSA Form 314.)

(c) *Unobligated balances*<sup>1</sup> (i.e., Unexpended funds) is that portion of the funds authorized by CSA which has not been obligated by the grantee prior to program year end or other 12-month accounting period.

(d) *Obligations*<sup>2</sup> is that amount of orders placed, contracts and grants awarded, services received, and similar transactions during a given period which will require payment during the same or future period.

#### § 1067.30-3 Purpose.

This subpart provides for:

(a) Use of a single grant number for each grantee;

(b) Use of CSA Form 314, Statement of CSA Grant, as the basic action document; and

(c) Grantees' use of funds until fully expended unless a termination date is entered in column 12 of CSA Form 314.<sup>3</sup> Since all grant monies must be expended under an approved and current work program, CSA may reprogram such funds as part of subsequent grant actions.

#### § 1067.30-4 Policy.

(a) All grants made to the same organization will be identified by a single grant number.

(b) The Statement of CSA Grant, CSA Form 314, is the basic action document completed by CSA and sent to the grantee. CSA Form 314 is also an acceptance document upon which the grantee indicates his acceptance of the grant action with all attached conditions.

(c) Approval of a CSA grant or funding action means that Federal funds have been awarded to the grantee for the purpose of carrying out an approved work program. Specifically, CSA Form 314, Statement of CSA Grant, is used to:

(1) Approve an amount of Federal funds and specify the required non-Federal share percentage and amount for each program account;

(2) Approve transfers of funds between program accounts when required (reference OEO Instruction 6710-1, Change 3, relating to flexibility guidelines);

(3) Approve program extensions where no change in funding is involved; and

(4) Deobligate funds as necessary from an on-going project or remaining from a terminated program.

#### § 1067.30-5 Procedure.

(a) A single grant number is used to identify CSA grants, regardless of the source of funding within CSA.

<sup>1</sup> Source: OMB Circular A-110 and FMC 74-7.

<sup>2</sup> As provided in OEO Instruction 6714-1 grantees should expend funds provided by old letters-of-credit before drawing down against a new letter-of-credit.

(b) The following explanations refer to specific items on CSA Form 314, Statement of CSA Grant:

(1) *Item 1—Name and address of grantee.* This item is self-explanatory.

(2) *Item 2—Grantee number.* This space contains a five-digit number assigned by CSA. All funds awarded to a grantee will be identified by this number.

(3) *Item 2—Fund source code (FS).* This space contains an applicable alphabetic character identifying the source of CSA funds from among the following:

F—Office of Economic Development.

G—Office of Operations.

J—Boston Region (1).

K—New York Region (2).

L—Philadelphia Region (3).

M—Atlanta Region (4).

N—Chicago Region (5).

P—Dallas Region (6).

Q—Kansas Region (7).

R—Denver Region (8).

S—San Francisco Region (9).

T—Seattle Region (0).

(4) *Item 2—Federal fiscal year (FFY).* This refers to the Federal fiscal year in which funds are awarded (i.e., for the Federal Fiscal Year ending September 30, 1977, 77 would be entered).

(5) *Item 2—Action number.* This is a consecutive number assigned by the funding office to identify each funding action by grantee within a Federal fiscal year. For example the number "01" will be assigned to the first funding action by a Regional Office; the number "01" will likewise be assigned to the first funding action by a Headquarters Program Office and so on through the end of the Federal fiscal year, at which time the fundings in the next fiscal year would begin with "01."

(6) *Item 3—Effective date.* This is the effective date of the funding action; i.e., obligations, deobligation, extension, etc. If funds are being obligated, grantees may not incur costs against this funding action before the date shown in this block.

(7) *Item 4—Obligation date.* This is the date on which a grant action (CSA Form 314) obligating new funds is mailed to the Governor or grantee. Enter the effective date (Item 3) for all other types of actions, e.g., deobligations, extensions, etc.

(8) *Item 5—Program year.* This section will show the grantee's program year. This period will not necessarily agree with the period for which funds are awarded. However, whenever possible the grantee's fundings will coincide with the grantee's program year.

(9) *Item 6—Program account number.* This will show the program ac-

counts (i.e., 01, 05, 55, etc.) as explained in CSA Instruction 6100-1a, Program Account Structure, funded by this grant action.

(10) *Item 7—Program activity code (PAC).* This code is for identification of CSA obligations, as explained in OEO Staff Manual 2135-1, Accounting Codes.

(11) *Item 8—Program account name.* This will show the program account being funded by this grant action by name. Refer to OEO Instruction 6100-1a, Program Account Structure.

(12) *Item 9—Federal funds awarded this action.* (i) *Funds awarded.* This column shows the amount of Federal funds awarded by this action. An amount will be shown for each program account funded by this action and the total shown at the bottom of the column. Previous amounts awarded to the grantee will not be shown on this form.

(ii) *Funds deobligated.* A deobligation of Federal funds will be shown in this column by placing a minus (−) sign in front of the amount.

(iii) *Funds transferred.* This column is also used to reflect CSA's approval for the transfer of funds between program accounts (reference OEO Instruction 6710-1, Change 3) by placing the appropriate (+) and (−) in front of the amounts representing the increase and decrease. Only the amount being transferred will be reflected in this column and not the original amount awarded.

(13) *Items 10 and 11—Non-Federal share.* These columns show the percentage and amount of non-Federal share required for each program account. If the non-Federal share is not required for a program account, not applicable (N/A) will be entered in this space. In no case will a figure higher than that legally or administratively required be entered.

(14) *Item 12—Termination date.* When a termination date is entered, expenses may not be incurred for the program account beyond this date. When this date is entered, this will determine the end of the program account funding period.

(15) *Item 13—Planned number of months funding provided.* This information is to assist the grantee in planning and budget control and in determination of the program account funding period.

(16) *Item 14—Recommendation for approval.* Contains name of appropriate Regional Director.

(17) *Item 15—Statement of CSA approval.* This item is self-explanatory.

(18) *Item 16—Grantee acceptance of grant.* This item is self-explanatory.



§ 0.281(b) (6) of the Commission's Rules and Regulations.

11. It is further ordered, That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307.)

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

[FR Doc. 76-37833 Filed 12-23-76; 8:45 am]

[Docket No. 20508; FCC 76-1122]

#### PART 76—CABLE TELEVISION SERVICES

##### Memorandum Opinion and Order Regarding Cable TV Channel Capacity and Access Channel Requirements; Proceeding Terminated

In the matter of Amendment of Part 76 of the Commission's Rules and Regulations Concerning the Cable Television Channel Capacity and Access Channel Requirements of § 76.251. Petition for Reconsideration.

Adopted: November 30, 1976.

Released: December 21, 1976.

1. On April 1, 1976, the Commission adopted its Report and Order in Docket 20508, FCC 76-313,<sup>1</sup> 59 FCC 2d 294 (1976) terminating an extensive rule making proceeding concerning cable television channel capacity and access channel requirements. Following its release, petitions were received urging that reconsideration be given to several of the newly adopted changes. Two parties filed statements supporting the petitions, and one response also was received.

2. In 1972 the Commission set out to guarantee a realization of cable television's promised potential by adopting a comprehensive scheme for the regulation of cable television systems throughout the nation, including a framework for the development and use of access and nonbroadcast channels. In part, it required cable systems located within major television markets to possess a fixed minimum channel capacity of at least 20 channels with a capability to expand should additional channels be needed for specifically designated access purposes.<sup>2</sup> The guiding principle was that the Commission " \* \* \* must make an effort to ensure the development of sufficient channel availability on all new CATV systems to serve specific recognized functions."<sup>3</sup> Systems in operation before the rules were adopted were required to come into full compliance with these standards by reconstructing their plant and distribution networks within five years—that is by March 31, 1977. By 1975 the Commission recognized that this ini-

tial regulatory framework imposed an undue financial burden on many cable system operators. Thus, the 1977 deadline was canceled<sup>4</sup> and this proceeding initiated to inquire into alternative methods of obtaining access channels on older systems within recognized economic restrictions, and to inquire into channel capacity and access requirements for old and new systems.<sup>5</sup>

3. Briefly, the rules now require larger cable systems (3500 or more subscribers) to have available for potential use a minimum channel capacity of 20 channels and two-way capability. "Old (pre-1972) systems" are given ten years, or until their "natural rebuild," within which to meet the requirements. In addition four dedicated access channels continue to be required, if activated channel capacity is available and demand exists for their full time use. Otherwise, one "composite" channel or "blackout" time—where a duplicating program is blacked out to protect another station—may be used to fulfill the access obligations. While the Commission "in no case" will require rebuilding or the installation of converters solely to provide channel space for access services, system operators may not "exclude a potential access user who intends to \* \* \* install a converter himself." These rules form the basis for three of the reconsideration petitions.

4. Several staff members of the Cable Television Information Center argue that the Report and Order represents an "ill considered" and fundamental reversal of long standing Commission policy relating to access programming. Their assertions are contained in a "Petition for Reconsideration," supported by the Alternate Media Center at the New York University School of the Arts, and the New York State Commission on Cable Television. In particular, CTIC views two new policies as unsound: (1) provision of an access channel only when there is sufficient activated capacity, and (2) no requirement that converters be provided to meet access requirements even if demonstrated use and need can be established. CTIC's position is premised on the proposition that without multiple channel availability, stimulation, development, and diversity of access programming is impossible, a proposition it argues, the Commission asserted in the Cable Television Report and Order, supra at para. 120, the Reconsideration of the Cable Television Report and Order, FCC 72-530, 36 FCC 2d 478 at para. 79 (1972), and the Clarification of Rules and Notice of Proposed Rulemaking, FCC 74-384, 46 FCC 2d 175 at para. 13 (1974). Not only do the new rules implement a policy of "limited availability" but the burden of providing additional channel capacity (financing and obtaining special relief from the Commission) has been shifted from the cable operator to the potential channel users, who lack the requisite financial

resources, and the local franchising authorities, who generally lack the expertise needed to produce an acceptable showing of special relief. CTIC concludes that cable's strength rests in its surplus channel capacity and its availability to all potential users. Upon reconsideration, the Commission is urged to adopt three policies: a) Require at least one composite access channel on all large (over 3,500 subscriber) systems, subject to a waiver if the operator demonstrates that compliance would result in financial hardship; b) Permit delivered channel capacity to be the subject of negotiation between the cable operator and the franchising authority without Commission review; and, c) Require limited access to medium-sized (1,000-3,500 subscriber) systems.

5. The National Cable Television Association together with the California Cable Television Association responded<sup>6</sup> to CTIC's petition, specifically addressing each of the three proposals and urging rejection of the petition. Larger systems should not be required to provide at least one complete access channel, they argue, because of the undue financial burden it imposes, the limited nature of the exemption, and the impending need to rebuild systems to accommodate new services. Local authorities should be preempted from imposing stricter access requirements than the Commission's because past experience has demonstrated the imposition of abusive and unjustified requirements. Finally, access requirements should not be reimposed on medium sized systems because these are the systems already burdened by overregulation and for which additional financial requirements in the form of converters "would not be minimal." NCTA and CCTA conclude by stating that the Commission has reaffirmed rather than reversed its prior policy and that the burden of proof logically has been placed on the party who seeks a waiver of the existing rules.

6. There should be no mistake regarding the Commission's continuing commitment to the provision of access services and channels. However, as we stated in the Report and Order, this is a very difficult area. Since adoption of the initial access rules in 1972, the Commission has accumulated, through experience and comments, much information regarding the public benefits and corresponding costs of access. Our general reevaluation of the 1972 rules was not intended to reverse our position and the resulting modifications do not constitute such an action.<sup>7</sup> Instead the Report and Order is a recognition that certain limitations exist which make imposition of the original requirements unduly burdensome, ultimately impairing total cable

<sup>6</sup> The "Response to Petition for Reconsideration" was late filed, but accompanied by a "Motion to Accept Late Filing" due to an unexpected delay in normal delivery service. The motion is hereby granted.

<sup>7</sup> In fact, preliminary findings indicate that more cable subscribers will be effected by the new rules than were by the old ones, because of their extension to smaller markets.

<sup>1</sup> See 41 FR 22274, June 2, 1976.

<sup>2</sup> See, Cable Television Report and Order, FCC 72-108, 36 FCC 2d 143 paras. 117 through 127 (1972).

<sup>3</sup> Second Further Notice of Proposed Rulemaking in Docket 18397-A, FCC 70-676, 24 FCC 2d 580, 587 (1970).

<sup>4</sup> Report and Order in Docket 20363, FCC 75-821, 54 FCC 2d 207 (1975).

<sup>5</sup> Notice of Proposed Rulemaking in Docket 20508, FCC 75-644, 53 FCC 2d 782 (1975).

television service to the public. Therefore, modifications were adopted revising the obligations in part and delaying their effective date.

7. We reject CTIC's first proposal, that every system with 3,500 or more subscribers have one full composite access channel, for the reasons stated in the Report and Order when we determined to modify our original mandatory expansion requirement.<sup>8</sup> At that time we reviewed the cost of converter installation and the corresponding benefits. Our conclusion was that the costs involved when weighed against the potential benefits were unreasonable. And it should be emphasized here that we are concerned not just with the costs to the system operator but also with those costs which must in the long run be passed on to subscribers. The CTIC staff petition has not convinced us that our original decision was in error or that the burden should be cast on the system operator in each instance to show that provision of the channel would be unduly burdensome. It should be emphasized, however, that the rules applicable to new systems commencing operation are somewhat more restrictive and do require that at least one channel be available for access purposes. See § 76.254(c). Older systems are exempted from the requirement only if they lack sufficient channel capacity to provide a full channel and even those systems without full channels available are required to accommodate access programming on non-duplication "blackout" time on channels otherwise carrying broadcast signals.

8. The CTIC staff's second proposal goes to the question of whether local authorities should be permitted to require channel capacity and access obligations beyond those contained in the Commission's rules. We expressed the belief in the Report and Order that excessive burdens dictated by local authorities created no less an undue strain on system operators and cable subscribers than those imposed by the Commission. We did provide, however, that local authorities could require services and facilities beyond those required by the Commission when the need for such additional facilities could be documented and the costs imposed have a rational relationship to the likely benefits that cable subscribers will receive. The procedures to be followed in justifying such additional requirements are specified in paragraphs 97-100 of the Report and Order. We recognize that this procedure cast some burden on the franchise authority to present concrete data on costs and proposed channel uses, but we do not feel this is inappropriate in that this is a burden of analysis which should already have been assumed for purposes of making the decision to require the additional channels or service.<sup>9</sup> To the extent such obligations are

being imposed to provide channels for services, the particulars of which are unknown, we believe this imposes a burden which cannot be justified. We do recognize, of course, that there may be instances where cities may wish to impose contingent obligations. That is, for example, having budgeted or planned for the completion of an educational or governmental telecommunications facility some time in the future a city may want to require a cable television distribution capacity for the facility's programming. A present requirement for such a capacity would be hard to justify but that would not preclude our acceptance of a contingent term in a cable system franchise under the procedures specified in the Report and Order. Properly documented requests have been granted by the Commission in the past and should receive our sympathetic consideration in the future. Additionally, we reiterate our acquiescence in voluntary actions taken by cable operators to provide access services in excess of federal standards. Although channel capacity and access channel regulations have been preempted, prohibiting mandatory franchise terms more burdensome than the Commission's, we refer to our statement in Comcast Cable of Paducah, FCC 76-965, \_\_\_\_\_ FCC 2d \_\_\_\_\_ (1976), that "no Commission rule or regulation would prohibit a cable system from voluntarily providing \* \* \* access services in excess of Commission requirements", so long as any such commitment by the cable operator is "made in a genuinely voluntary atmosphere."

9. The last of CTIC's proposals is for a multi-tiered approach to the access channels, with systems of between 1000 and 3500 subscribers being required to provide some access channels for use by groups with their own production equipment but with no requirement that the system itself have any production capability. We considered the adoption of such an approach in the Report and Order and decided not to adopt it in an effort to simplify an already complex set of rules and in view of the burdens such obligations could impose on smaller systems. Nothing presented in the CTIC petition persuades us now to alter that judgment. We would expect, however, that all systems that have unused channel space available which others wish to use for public, educational, governmental, or leased purposes would cooperate fully and make channel space available. It is, generally, to the cable system operator's advantage to fill up his available channels by whatever means are available. If instances do come to light where non-operator use of otherwise unused channels is denied without explanations, we hope these will be brought to our attention so that further consideration can be given to rule changes in this area. Our present experience has been, however, that even larger systems typically have difficulty finding access channel users so this problem with smaller systems is not likely to arise with any frequency. It should also be noted that local authorities are free to impose requirements of their own on such sys-

tems as long as those requirements do not exceed those in our rules. See § 76.258 of the rules.

10. Several cable television companies, in a "Joint Petition for Partial Reconsideration,"<sup>10</sup> also urge the Commission to reconsider its position with regard to the role of local franchising authorities. They argue that a rollback of federal obligations may be ineffectual when local authorities are permitted to impose their own standards and that this "dual jurisdictional" approach places operators between the Commission and the local authorities, making them agents of the Commission where authorities refuse to recognize the Commission's paramount authority. They suggest a halt to city waivers based upon a "reasoned analysis," and ask instead that the Commission impose a complete moratorium on any local or state consideration of access or rebuild requirements until after a system obtains renewal or franchise amendments required to meet the 1977 filing requirements.<sup>11</sup> Both the NCTA and the CCTA make similar arguments in their "Petition for Reconsideration." As stated in response to CTIC's proposal, emption in this area, but with a recognition that local circumstances may justify access standards other than those we have dictated. These local standards will not be approved except upon a detailed showing as discussed at paragraph 100 of the Report and Order. Abuses may occur, but we anticipate no widespread problems that cannot be dealt with on an individual basis once they are brought to our attention.

11. The reconsideration petitions of NCTA and CCTA, and the several cable companies, also suggest that adoption of the "third party user" rule, whereby access is guaranteed to a potential user willing to install converters, constitutes a major policy decision made without proper notice, explanation, or comments.<sup>12</sup> The primary problem they assert, is that guaranteed access for third party users transforms cable operators into common carriers, a status the Commission previously has refused to confer upon cable television. These arguments closely parallel those raised by Midwest Video Corporation in its appeal of the Commission's adoption of § 76.253 in the Report and Order in Docket 19988, FCC 74-1279, 49 FCC 2d 1090 (1974), and in this proceeding. Our decision to reject the claims is based on a belief that the adopted regulations reasonably relate to our regulation of cable television pursuant to the objectives of the Communica-

<sup>10</sup> The joint cable television operating companies are: Coachella Valley Television; Colony Communications, Inc.; Complete Channel TV, Inc.; Cox Cable Communications, Inc.; Gulf Coast Television, Inc.; Sammons Communications, Inc.; Sioux Falls Cable Television; Televents Affiliated Systems; and The TM Communication Company.

<sup>11</sup> The length of such a moratorium has been rendered indefinite by our action in Docket 21002, FCC 76-1070, generally reviewing the franchise requirements, and this is another reason for not adopting such a freeze.

<sup>12</sup> See Report and Order at para. 66.

<sup>8</sup> See discussion beginning at paragraph 58.

<sup>9</sup> In this respect see, Arlington Telecommunications Corporation, FCC 75-670, 53 FCC 2d 757 (1975); and Total Communications of Irving, Inc., FCC 74-157, 45 FCC 2d 525 (1974).

tions Act of 1934, as amended.<sup>13</sup> Cable television is a "hybrid" industry, characterized both by broadcast and common carrier traits. As we stated at paragraph 17 of the Report and Order:

So long as the rules adopted are reasonably related to achieving objectives for which the Commission has been assigned jurisdiction we do not think they can be held beyond our authority merely by denominating them as somehow "common carrier" in nature.

12. NCTA and CCTA also pose a somewhat more practical question with respect to a third party user's right to interconnect on a cable system. They argue that problems concerning installation and maintenance may interfere with the quality of service provided to subscribers. The Commission is aware that such problems may occur. Although we speak of a "guaranteed right" of access by third party users, we do not mean so unqualified a right that a cable operator is compelled to accept the installation of inferior equipment or improper service which will result in harm to his system. On the other hand, it is the operator's responsibility to demonstrate well beyond mere allegations, that proper service will be impeded with the addition of another's equipment. In those instances where time or experience is necessary to determine the effects of additional equipment we expect the operator to make available that opportunity.<sup>14</sup> The burden is on the operator to show harm rather than on the user to prove the absence of harm.

13. Finally NCTA and CCTA argue that required utilization of the last available channel for access services discriminates against pay television programming, and also runs counter to the Commission's policy of requiring dedicated access channels only when actual demand can be demonstrated. We have stated repeatedly our commitment to the provision of access services. Even so, we have reduced the burden on cable operators so that they may fulfill their obligations with the provision of only one access channel. However, we believe access programming should continue to have priority status over operator-originated programming where they compete for the final available channel on a cable system. At paragraph 68 of the Report and Order we resolved this question by stating: "While we shall continue to encourage operators to originate, we do not believe that the public interest will be served if such efforts are at the expense of others who wish to provide access programming."<sup>15</sup>

<sup>13</sup> See also, TM Communications Company, FCC 78-866, FCC 2d (1976).

<sup>14</sup> We recognize however, that posting bond may be appropriate if installation and testing is necessary to determine whether "harm" will occur.

<sup>15</sup> The priority afforded access under this policy is not inconsistent with the "demand" basis for channel commitment. It simply recognizes that demand is unlikely to develop if all channel space is filled, and that even if demand did develop it would not likely be met if programming had to be "bumped."

14. A final issue for reconsideration is submitted by Community Communications Project of New Paltz, Inc., located in New Paltz, New York. Community asserts that minimum equipment requirements for access channels should be specifically designated. For access service to develop Community believes the signal emanating from the access facilities must be comparable to that of other signals carried on the cable system. Although we are not prepared to dictate equipment standards at this time, we do intend to monitor the situation to make sure that access is not being defeated by poor technical quality. If we determine that standards are required to insure the development of access services, we will take appropriate action.

15. Apart from the several issues noted as proposed grounds for reconsideration, the Commission has received numerous inquiries seeking clarification of various sections of the new rules. Thus, it is appropriate to review these sections to make clear our expectations for their implementation.

(a) *Certification of "May Carry" Signals.* At paragraph 64 of the Report and Order we stated that:

[W]e do not envision certificating new systems, or the addition of new signals whose carriage is not mandatory to existing systems, if the activated channel capability available for the provision of access services is insufficient to provide at least one full channel for access programming.

We will, however, certificate new systems or "may carry" signals upon assurance by the applicant cable operator that at least one channel will be reserved full time, for access purposes. In other words, "may carry" signals may be certified beyond the system's activated channel capability if assurance is given that the signals will share channel space with each other to the extent necessary to preserve the one full time access channel. We have amended § 76.254(b) of the Rules to make it clear, in conformity with the paragraph quoted above, that at least one channel must be reserved full time for the exclusive presentation of access programming except in the case of systems operating on June 21, 1976 and having insufficient channel capability. See, attached Appendix.

(b) *Previously Certified Access Programs.* Implementation of previously certified access programs now exceeding our rules may continue only upon an appropriate showing and Commission approval unless such a showing was made and accepted under the prior rules. Beginning at paragraph 97 of the Report and Order we outline our treatment of locally imposed access requirements concluding that "in the absence of such showings, provisions exceeding our own will be considered to have no force or effect \* \* \*" and "in those situations where such showings were made and accepted under prior rules, they need not be repeated and our rulings thereon will continue in effect."

(c) *"Blackout" Time.* Provision has been made for the use of "blackout" time to accommodate access programming on those cable systems without sufficient activated channel capability. Use of "blackout" time was granted in lieu of forcing the operator to rebuild or install converters. Therefore, we expect a maximum effort to make this time available. For instance, an assertion that "blackout" time does not exist because of dual channel carriage of network programming is an unacceptable excuse for denial of time to a potential access user.

(d) *Availability of Access Time and Charges for Access Presentations.* (1) A number of questions have arisen as to the conditions under which access channel time must be made available and as to the procedures for resolving disputes concerning the availability of access channel time. As to the latter question the access channel rules adopted by the cable television system operator provide the basic mechanism for regulating channel usage. We have not included, beyond the specifications contained in § 76.256 of the rules, every detail of what these rules should contain, leaving cable operators some leeway to experiment with the details of the rules and to accommodate them, in a reasonable fashion, to local conditions. Questions as to the reasonableness of particular sets of rules should be referred to the Commission for resolution. Every effort will be made to resolve these questions on an informal basis, but more formal proceedings will be commenced if necessary.

(2) Among the matters left initially to the operator's discretion in the rules adopted are the hours during which production facilities and channels are to be available for use. Some questions have been asked as to whether it is adequate to simply have access channels and equipment available during normal business hours (9 a.m. to 5 p.m., for example). In the ordinary circumstances we would not consider such a limitation to be within the intent of the rules, in view of the predominance of television viewing during the evening (prime time) hours. Access limited to daytime hours only would thus not be access to the most significant block of viewing audience. We do not, however, require that the equipment and channels be available twenty-four hours a day, seven days a week.

(3) Charges for production equipment use should also be spelled out in the appropriate access channel rules. As we indicated in the Report and Order, except for a free five minutes of live time, charges may be made not only for the equipment used but also for any system personnel involved in the program production effort. Such charges should be "reasonable and consistent with the goal of affording users a low-cost means of television access." Section 76.256(c)(3). In permitting charges for production time, however, we did not intend to include charges for the playing of tapes or film provided by public access channel users when no use of sys-

tem production equipment is involved and the programming presented is in a format compatible with that of the system. That is, it should be possible for a public access channel user who has produced a program on his own to deliver that program to the system and have it played without additional charge.

(e) *Operating Rules.* (1) We remind all cable operators that rules governing public, educational, and leased access programming are required to be filed with the Commission within 90 days after a system first activates any such channel, and also are to be made available for public inspection. See § 76.256 (d) (4). This requirement is not new, and we will expect full compliance henceforth. Also, because more than one local government may be sharing use of the government access channel, we urge that each cable operator include in his operating rules a provision assuring channel availability for use by each local government jurisdiction served by the cable system.

(2) We note the omission of an exception contained in former § 76.251(a) (11) (iv) of the Rules for some pre-1972 cable systems. The oversight was inadvertent and we are restoring it as part of § 76.256(d) (4). See below.

In view of the foregoing, a denial of the reconsideration requests and issuance of the clarification would be in the public interest.

Accordingly, it is ordered, That the "Petition for Reconsideration" filed by the Community Communications Project of New Paltz, Inc., is denied.

It is further ordered, That the "Joint Petition for Partial Reconsideration" filed by Coachella Valley Television; Colony Communications, Inc.; Complete Channel TV, Inc.; Cox Cable Communications, Inc.; Gulf Coast Television, Inc.; Sammons Communications, Inc.; Sioux Falls Cable Television; Televents Affiliated Systems; and the TM Communications Company, is denied.

It is further ordered, That the "Petition for Reconsideration" filed by the National Cable Television Association and the California Cable Television Association, is denied.

It is further ordered, That the "Petition for Reconsideration" filed by Paul

J. Fox, Susan C. Greene, Harold E. Horn, Shelia Mahony, and Victor Nicholson, staff members of the Cable Television Information Center of the Urban Institute, is denied.

It is further ordered, That Part 76 of the Commission's Rules and Regulations is amended, effective January 28, 1977, as set forth below.

Authority for the amendments to the rules adopted in the Appendix attached hereto is contained in sections 2, 3, 4 (i) and (j), 301, 303, 307, 308, 309, 315 and 317 of the Communications Act of 1934, as amended.

FEDERAL COMMUNICATIONS  
COMMISSION,<sup>10</sup>  
VINCENT J. MULLINS,  
Secretary.

(Secs. 2, 3, 4, 5, 301, 303, 307, 308, 309, 315, 317, 48 Stat., as amended, 1064, 1065, 1066, 1068, 1081, 1082, 1083, 1084, 1085, 1088, 1089; 47 U.S.C. 152, 153, 154, 155, 301, 303, 307, 308, 309, 315, 317.)

Part 76 of Chapter I of Title 47 of the Code of Federal Regulations is amended to read as follows:

1. Section 76.254(b) is revised to read as follows:

§ 76.254 Number and designation of access channels.

(b) Until such time as there is demand for each channel full time for its designated use, public, educational, government, and leased access channel programming may be combined on one or more cable channels. To the extent time is available therefor, access channels may also be used for other broadcast and nonbroadcast services except that at least one channel shall be maintained exclusively for the presentation of access programming as required by paragraph (c) of this section.

2. Section 76.256(d) (4) is revised to read as follows:

<sup>10</sup>See attached Concurring Statement of Commissioner White in which Commissioner Fogerty joins. Concurring statement filed as a part of the original document. Commissioner Lee absent; Commissioner Hooks and Washburn concurring in the result.

§ 76.256 Access Services.

(d) \* \* \*

(4) The operating rules governing public, educational, and leased access programming shall be filed with the Commission within 90 days after a system first activates any such channels, and shall be available for public inspection as provided in § 76.305(b). Except the Commission authorization, or with respect to local government access programming, no local entity shall prescribe any other rules concerning the number or manner of operation of access channels; however, franchise specifications concerning the number of such channels for systems in operation prior to March 31, 1972 shall continue in effect.

[FR Doc.76-37839 Filed 12-23-76;8:45 am]

PART 94—PRIVATE OPERATIONAL-FIXED MICROWAVE SERVICE

Prior Notification of Filing of Applications; Correction

Released: December 16, 1976.

In FR Doc. 76-35194 appearing at page 52463, in the issue for Tuesday, November 30, 1976, make the following change.

Paragraph 5 of the Commission's Memorandum Opinion and Order (FCC 76-1056) in RM-2735, adopted November 16, 1976, is corrected as follows:

A sentence officially terminating the rulemaking is added as follows:

5. Accordingly, it is ordered, pursuant to the authority contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, that effective December 2, 1976, § 94.15(b) of the Commission's Rules is amended as shown in the attached Appendix. It is further ordered, That this proceeding is terminated.

FEDERAL COMMUNICATIONS  
COMMISSION  
VINCENT J. MULLINS,  
Secretary.

[FR Doc.76-37840 Filed 12-23-76;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

### Commodity Credit Corporation

[ 7 CFR Part 1427 ]

### UPLAND AND EXTRA LONG STAPLE COTTON

#### Proposed Determinations Regarding 1977 Crops

The Commodity Credit Corporation (CCC) is preparing to make certain determinations with respect to the loan programs for the 1977 crops of upland and extra long staple (ELS) cotton:

- (a) Schedule of premiums and discounts for grade and staple length of upland cotton;
- (b) Schedule of micronaire differentials for upland cotton;
- (c) Schedule of base loan rates by warehouse location for upland cotton;
- (d) Schedule of loan rates by location for eligible qualities of ELS cotton;
- (e) Schedule of micronaire differentials for ELS cotton;
- (f) Detailed operating provisions to carry out the price support programs for lint cotton; and
- (g) Detailed operating provisions to carry out the seed cotton loan program.

The first six of these determinations are to be made pursuant to the Agricultural Act of 1949, as amended (63 Stat. 1051 as amended; 7 U.S.C. 1421 et seq.).

Section 403 of the Act (7 U.S.C. 1423) provides in part that appropriate adjustments may be made in the support price for any commodity for differences in grade, type, staple, quality, location, and other factors. Such adjustments shall, so far as practicable, be made in such manner that the average support price for such commodity will, on the basis of the anticipated incidence of such factors, be equal to the level of support determined as provided in this Act. Under section 103(e) of the Act (7 U.S.C. 1444(e)), however, the base loan rate determined for 1977-crop upland cotton is applicable to Middling 1-inch cotton (micronaire 3.5 through 4.9) at average location in the United States.

The preliminary 1977 loan rate announced for Middling 1-inch by press release (USDA 2962-76) dated October 15, 1976, is 42.58 cents per pound. CCC loans will be adjusted to Strict Low Middling (SLM) 1 $\frac{1}{16}$  inches cotton, the base quality now being used for spot and futures price quotations.

(a) *Schedule of premiums and discounts for grade and staple length of upland cotton.* This schedule would reflect the differences in loan value between SLM 1 $\frac{1}{16}$  inches cotton and the vari-

ous other grade and staple length combinations for upland cotton.

(b) *Schedule of micronaire differentials for upland cotton.* A schedule will reflect differences in loan value between micronaire group 3.5 through 4.9 (the statutory base group) and the various other micronaire groups.

(c) *Schedule of base loan rates by warehouse location for upland cotton.* This schedule will establish base loan rates for upland cotton stored at various warehouse locations.

(d) *Schedule of loan rates by location for eligible qualities of ELS cotton.* In accordance with the Act, the loan rate for 1977-crop ELS cotton was announced at a national average rate. That rate is 76.70 cents per pound, announced by press release (USDA 2962-76) dated October 15, 1976. The schedule of rates would reflect differences in loan value by location for each eligible quality.

(e) *Schedule of micronaire differentials for ELS cotton.* A schedule will reflect differences in loan value between micronaire group 3.5 and above (the base group) and the various other micronaire groups.

(f) *Detailed operating provisions to carry out the price support programs for lint cotton.* Detailed regulations necessary to carry out the price support programs for upland and ELS lint cotton are being reviewed for 1977, including specifications for bale packaging materials used for cotton tendered to CCC under such regulations. Loan provisions in effect under the current program may be found in the Cotton Loan Program Regulations (7 CFR 1427.1-27, as amended by 40 FR 30092 and 41 FR 31182). The latest revision of the bale packaging specifications was published in the FEDERAL REGISTER on February 20, 1976 (41 FR 7755, 41 FR 16816). Consideration will be given to amending the specifications as may be recommended by the Cotton Industry Bale Packaging Committee. Payment provisions in effect for ELS cotton under the current program may be found in the regulations providing the terms and conditions for payments on ELS cotton for 1968 and succeeding years (7 CFR 722.700-720).

The following determination is to be made pursuant to Section 5(a) of the Commodity Credit Corporation Charter Act (15 U.S.C. 714c(a)):

(g) *Detailed operating provisions to carry out the seed cotton loan program.* The regulations to carry out the seed cotton loan program are also being reviewed for 1977. Provisions in effect under the current program may be found

in the Seed Cotton Loan Program Regulations (7 CFR 1427.160-181, as amended by 40 FR 21469).

Prior to making the foregoing determinations, consideration will be given to any data, views, and recommendations relative to these determinations which are submitted in writing to the Director, Grains, Oilseeds and Cotton Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250. In order to be sure of consideration, all submissions should be received by the Director not later than January 28, 1977. All written submissions pursuant to this notice will be made available for public inspection at the Office of the Director during regular business hours (8:15 a.m. to 4:45 p.m.).

Signed at Washington, D.C. on December 17, 1976.

KENNETH E. FRICK,  
Executive Vice President,  
Commodity Credit Corporation.

[FR Doc.76-37895 Filed 12-23-76;8:45 am]

## NUCLEAR REGULATORY COMMISSION

[ 10 CFR Part 50 ]

### LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

#### Periodic Updating of Final Safety Analysis Reports; Correction and Extension of Comment Period

On November 8, 1976, the Nuclear Regulatory Commission proposed for comment (41 FR 49123) amendments to its regulation, "Licensing of Production and Utilization Facilities," 10 CFR Part 50, which would require each applicant for or holder of a power reactor operating license which would be or was issued after January 1, 1963 to periodically submit to the Commission revised pages for its Final Safety Analysis Report (FSAR) that indicate changes made in the facility or the procedures for its operation and any analyses that are affected by these changes.

As indicated in the statement of considerations, the intent of the Commission was to apply the proposed rule to all power reactors licensed after January 1, 1963. However, the proposed rule was inadvertently limited in its applicability to those power reactors licensed pursuant to the provisions of § 50.22 of 10 CFR Part 50 when the actual intent was to include all power reactors even those licensed pursuant to § 50.21 as well.

Accordingly, in FR Doc.76-32614, published on Monday, November 8, 1976, center column, page 49123, the third line of § 50.71(e) is corrected to read as follows: "§ 50.21 or § 50.22, each applicant for or holder of".

In view of the fact that those power reactor licensees who received their operating licenses under the provisions of § 50.21 may not have realized that they would be subject to the proposed rule, it has been decided to extend the comment period to provide adequate time for comment. Accordingly, the comment period is hereby extended to January 26, 1977.

Dated at Bethesda, Maryland this 20th day of December, 1976.

For the Nuclear Regulatory Commission.

LEE V. GOSSICK,  
Executive Director for Operations.

[FR Doc.76-37941 Filed 12-23-76;8:45 am]

**INTERNATIONAL TRADE COMMISSION**

[ 19 CFR Part 207, 208 ]

**DOMESTIC INDUSTRIES**

**Investigations of Injury**

These proposed amendments to title 19, chapter II, subchapter B, of the Code of Federal Regulations would add a new Part 207 thereto and delete Part 208. The purpose of these amendments is to provide a procedural framework for implementing the Antidumping Act, 1921, as amended, section 303 of the Tariff Act of 1930, as amended, and section 301(c) (2) of the Trade Act of 1974.

Interested persons may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should be submitted to the Office of the Secretary, United States International Trade Commission, Washington, D.C. 20436. All communications received on or before January 26, 1977 will be considered before action is taken on the proposed amendment. Comments received will be available for public examination in the Office of the Secretary.

It is proposed to delete Part 208 of title 19 of the Code of Federal Regulations and to add a new Part 207, set forth in tentative form below:

**PART 207—INVESTIGATIONS OF INJURY TO DOMESTIC INDUSTRIES RESULTING FROM IMPORTS SOLD AT LESS THAN FAIR VALUE, IMPORTS FREE OF DUTY WHICH HAVE RECEIVED, DIRECTLY OR INDIRECTLY, ANY BOUNTIES OR GRANTS, OR IMPORTS PROVIDED WITH SUBSIDIES (OR OTHER INCENTIVES HAVING THE EFFECT OF SUBSIDIES)**

Sec. 207.1 Applicability of part.

**Subpart A—Investigations of Injury to Domestic Industries Resulting From Imports Sold at Less Than Fair Value**

207.2 Applicability of subpart.  
207.3 Inquiries under section 201(c) (2) of the Antidumping Act, 1921, as amended.

Sec. 207.4 Investigations under section 201(a) of the Antidumping Act, as amended.  
207.5 Investigations concerning the review of injury determinations under the Antidumping Act, 1921.  
207.6 [Reserved].

**Subpart B—Investigations of Injury to Domestic Industries Resulting From Imports Free of Duty Which Have Received, Directly or Indirectly, Bounties or Grants**

207.7 Applicability of subpart.  
207.8 Investigations under section 303(b) of the Tariff Act of 1930, as amended.  
207.9 Investigations concerning the review of injury determinations under section 303(b) of the Tariff Act of 1930.  
207.10 [Reserved].

**Subpart C—Investigations of Reduced Sales of U.S. Products in U.S. Markets Resulting From Imports Provided With Subsidies (or Other Incentives Having the Effect of Subsidies)**

207.11 Applicability of subpart.  
207.12 Investigations under section 301(c) (2) of the Trade Act of 1974.

**AUTHORITY:** Section 335 of the Tariff Act of 1930 (72 Stat. 680, 19 U.S.C. 1335) and section 603 of the Trade Act of 1974 (88 Stat. 2073; 19 U.S.C. 2482).

**§ 207.1 Applicability of part.**

This Part 207 applies specifically to functions and duties of the Commission under sections 201(a), 201(c) (2), and 201(d) of the Antidumping Act, 1921, as amended (19 U.S.C. 160, et seq.), under section 303 of the Tariff Act of 1930, as amended (19 U.S.C. 1303), and section 301(c) (2) of the Trade Act of 1974 (19 U.S.C. 2411(c) (2)). Subpart A of this part sets forth rules specifically applicable to investigations under the Antidumping Act, 1921, as amended. Subparts B and C of this part set forth rules specifically applicable to investigations under section 303 of the Tariff Act of 1930, as amended, and section 301(c) (2) of the Trade Act of 1974, respectively.

**Subpart A—Investigations of Injury to Domestic Industries Resulting From Imports Sold at Less Than Fair Value**

**§ 207.2 Applicability of subpart.**

This Subpart A of Part 207 applies specifically to investigations and inquiries under the Antidumping Act, 1921, as amended. For other applicable rules, see Part 201 of this chapter.

**§ 207.3 Inquiries under section 201(c) (2) of the Antidumping Act, 1921, as amended.**

(a) *Purpose of inquiry.* The purpose of an inquiry under section 201(c) (2) by the Commission, upon the receipt of a conclusion by and appropriate information from the Secretary of the Treasury, is to determine whether there is no reasonable indication that an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation into the United States of the class or kind of merchandise which is the subject of an investigation by the Treasury Department.

(b) *Institution of inquiry.* After the receipt of a conclusion and appropriate information from the Secretary of the Treasury under section 201(c) (2), the Commission shall institute an inquiry for the purpose indicated in § 207.3(a), and publish notice thereof in the FEDERAL REGISTER.

(c) *Public hearing.* If in the judgment of the Commission there is good and sufficient reason therefor, the Commission, in the course of its inquiry, will hold a public hearing and afford interested persons the opportunity to appear and be heard at such hearing.

(d) *Written statements.* At any time after a notice of inquiry under § 207.3(b) is published in the FEDERAL REGISTER, any interested person may submit to the Commission a written statement of information pertinent to the subject matter of such inquiry. If a public hearing is held in the inquiry, such statement may be received in lieu of appearance at such hearing. Statements shall conform with the requirements for documents set forth in §§ 201.6 and 201.8 of this chapter.

(e) *Notification of Commission's determination.* Within thirty (30) days after the date of the receipt by the Commission of the information from the Secretary of the Treasury referred to in § 207.3(b) the Commission will notify the Secretary of the Treasury of its determination. The Commission's determination, together with a statement of reasons therefor, will be published in the FEDERAL REGISTER.

**§ 207.4 Investigations under section 201 (a) of the Antidumping Act, 1921, as amended.**

(a) *Purpose of investigation.* The purpose of an investigation by the Commission under section 201(a) of the Antidumping Act, 1921, as amended, is to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation into the United States of a class or kind of foreign merchandise which the Secretary of the Treasury has determined is being, or is likely to be, sold in the United States or elsewhere at less than its fair value.

(b) *Institution of investigation.* After the receipt of advice from the Secretary of the Treasury that he has determined that a class or kind of foreign merchandise is being, or is likely to be, sold in the United States or elsewhere at less than its fair value, the Commission shall institute an investigation for the purposes of § 207.4(a), and publish notice thereof in the FEDERAL REGISTER.

(c) *Public hearing.* If, in the judgment of the Commission, there is good and sufficient reason therefor, the Commission, in the course of its investigation, will hold a public hearing and afford an opportunity for interested persons to appear and be heard. If no notice of public hearing issues concurrently with the notice of institution of the investigation under § 207.4(b), the Commission shall, at the request of any foreign manufac-

turer or exporter or any domestic manufacturer, producer, or wholesaler of merchandise of the same class or kind, conduct a hearing at which—

(1) Any such person shall have the right to appear by counsel or in person; and

(2) Any other person, firm, corporation, or association may make application and, upon good cause shown, may be allowed to intervene and appear at such hearing by counsel or in person.

(3) Any hearing conducted pursuant to this section shall be exempt from sections 554, 555, 556, 557, and 702 of title 5 of the United States Code.

(d) *Written statements.* At any time after a notice of investigation under § 207.4(b) is published in the FEDERAL REGISTER, any interested person may submit to the Commission a written statement of information pertinent to the subject matter of such investigation. If a public hearing is held in the investigation, such statement may be received in lieu of appearance at such hearing. Statements shall conform with the requirements for documents set forth in §§ 201.6 and 201.8 of this chapter.

(e) *Notification of Commission's determination.* On or before the expiration of three (3) months after the date of the receipt by the Commission of the advice from the Secretary of the Treasury referred to in § 207.4(b) the Commission will notify the Secretary of the Treasury of its determination. The determination, whether affirmative or negative, shall be published in the FEDERAL REGISTER together with a complete statement of findings and conclusions, and the reasons or bases therefor, on all the material issues of fact or law presented.

**§ 207.5 Investigations concerning the review of injury determinations under the Antidumping Act, 1921.**

(a) *Purpose of investigation.* The purpose of an investigation by the Commission to review an injury determination that has been made under section 201(a) of the Antidumping Act, 1921, as amended, is to determine either (1) whether an error in fact or law existed at the time of the subject determination which justifies the reconsideration of the injury determination under section 201(a) or (2) whether changed circumstances exist which indicate that if the finding of dumping issued by the Secretary of the Treasury were modified or revoked, an industry in the United States would not likely be injured, or prevented from being established, by reason of the importation into the United States of the relevant merchandise at less than fair value within the meaning of the Antidumping Act, 1921, as amended.

(b) *Institution of investigation.* The Commission will institute an investigation for the purposes of § 207.5(a) (1) if within twenty (20) days from the date of issuance of an injury determination under § 201(a) the Commission receives a proper application therefor, from an interested party, specifying error of fact or law which the Commission deems to be

sufficient to warrant such investigation. The Commission will institute an investigation for the purposes of § 207.5(a) (2) upon its own motion or upon receipt from the Secretary of the Treasury of appropriate advice concerning an application from a party specifying the changed circumstances forming the basis for review, except that in the absence of good cause being shown, no investigation for the purpose of § 207.5(a) (2) shall be made unless 1 year has elapsed since the publication of the finding of dumping by the Secretary of the Treasury. The Commission shall publish notice of the institution of an investigation in the FEDERAL REGISTER.

(c) *Public hearing.* If, in the judgment of the Commission, there is good and sufficient reason therefor, the Commission will, in the course of an investigation under § 207.5(b), hold a public hearing and afford interested persons opportunity to appear and be heard at such hearing. If no notice of public hearing issues concurrently with a notice of investigation, any interested person who believes that a public hearing should be held may, within fifteen (15) days after the date of publication in the FEDERAL REGISTER of the notice of investigation, submit a request in writing to the Secretary of the Commission that a public hearing be held, stating the reasons for such request.

(d) *Written statements.* At any time after a notice of investigation under § 207.5(b) (2) is published in the FEDERAL REGISTER, any interested person may submit a written statement of information pertinent to the subject matter of such investigation to the Commission. If a public hearing is held in the investigation, such statement may be received in lieu of appearance at such hearing. Statements shall conform with the requirements for documents set forth in §§ 201.6 and 201.8 of this chapter.

(e) *Notification of Commission's determination.* The Commission will notify the Secretary of the Treasury of its determination. A summary of the Commission's determination, together with a statement of reasons therefor, will be published in the FEDERAL REGISTER.

**§ 207.6 [Reserved]**

**Subpart B—Investigations of Injury to Domestic Industries Resulting From Imports Free of Duty Which Have Received, Directly or Indirectly, Bounties or Grants.**

**§ 207.7 Applicability of subpart.**

This subpart B applies specifically to investigations under section 303(b) of the Tariff Act of 1930, as amended. For other applicable rules, see Part 201 of this chapter.

**§ 207.8 Investigations under section 303 (b) of the Tariff Act of 1930, as amended.**

(a) *Purpose of investigation.* The purpose of an investigation by the Commission under section 303(b) of the Tariff Act of 1930, as amended, is to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation free of duty into

the United States of a class or kind of foreign merchandise or articles as to which the Secretary of the Treasury has made a final determination that a bounty or grant is being paid or bestowed.

(b) *Institution of investigation.* After receipt of advice from the Secretary of the Treasury that a bounty or grant is being paid or bestowed with respect to any article or merchandise which is free of duty and the determination by the Commission described in § 207.8(a) is required, the Commission shall institute an investigation for the purpose indicated in § 207.8(a) and publish notice thereof in the FEDERAL REGISTER.

(c) *Public hearing.* If, in the judgment of the Commission, there is good and sufficient reason therefor, the Commission, in the course of its investigation, will hold a public hearing and afford interested persons opportunity to appear and be heard at such hearing. If no notice of public hearing issues concurrently with a notice of investigation, any interested person who believes that a public hearing should be held may, within fifteen (15) days after the date of publication in the FEDERAL REGISTER of the notice of investigation, submit a request in writing to the Secretary of the Commission that a public hearing be held, stating the reasons for such request.

(d) *Written statements.* At any time after a notice of investigation under § 207.8(d) is published in the FEDERAL REGISTER, any interested person may submit to the Commission a written statement of information pertinent to the subject matter of such investigation. If a public hearing is held in the investigation, such statement may be received in lieu of appearance at such hearing. Statements shall conform with the requirements for documents set forth in §§ 201.6 and 201.8 of this chapter.

(e) *Notification of Commission's determination.* On or before the expiration of three (3) months after the date of receipt by the Commission of the advice from the Secretary of the Treasury referred to in § 207.8(b), the Commission will notify the Secretary of the Treasury of its determination. A summary of the Commission's determination, together with a statement of reasons therefor, will be published in the FEDERAL REGISTER.

**§ 207.9 Investigations concerning the review of injury determinations under section 303(b) of the Tariff Act of 1930.**

(a) *Purpose of investigation.* The purpose of an investigation by the Commission to review an injury determination that has been made under section 303(b) of the Tariff Act of 1930, as amended, is to determine either (1) whether an error in fact or law existed at the time of the subject determination which justifies the reconsideration of the injury determination under section 303(b) or (2) whether changed circumstances exist which indicate that if the finding of a bounty or grant issued by the Secretary of the Treasury were modified or revoked, an industry in the United States would not

likely be injured, or prevented from being established, by reason of the importation into the United States of the relevant merchandise receiving bounties or grants within the meaning of the Tariff Act of 1930, as amended.

(b) *Institution of investigation.* The Commission will institute an investigation for the purposes of § 207.9(a)(1) if within twenty (20) days from the date of issuance of an injury determination under § 303(b), the Commission receives a proper application therefor, from an interested party, specifying error of fact or law which the Commission deems to be sufficient to warrant such investigation. The Commission will institute an investigation for the purposes of § 207.9(a)(2) upon its own motion or upon receipt from the Secretary of the Treasury of appropriate advice concerning an application from a party specifying the changed circumstances forming the basis for review, except that in the absence of good cause being shown, no investigation for the purpose of § 207.9(a)(2) shall be made unless 1 year has elapsed since the publication of the finding of a bounty or grant by the Secretary of the Treasury. The Commission shall publish notice of the institution of an investigation in the FEDERAL REGISTER.

(c) *Public hearing.* If, in the judgment of the Commission, there is good and sufficient reason therefor, the Commission will, in the course of an investigation under § 207.9(b), hold a public hearing and afford interested persons opportunity to appear and be heard at such hearing. If no notice of public hearing issues concurrently with a notice of investigation, any interested person who believes that a public hearing should be held may, within fifteen (15) days after the date of publication in the FEDERAL REGISTER of the notice of investigation, submit a request in writing to the Secretary of the Commission that a public hearing be held, stating the reasons for such request.

(d) *Written statements.* At any time after a notice of investigation under § 207.9(b)(2) is published in the FEDERAL REGISTER, any interested person may submit to the Commission a written statement of information pertinent to the subject matter of such investigation. If a public hearing is held in the investigation, such statement may be received in lieu of appearance at such hearing. Statements shall conform with the requirements for documents set forth in §§ 201.6 and 201.8 of this chapter.

(e) *Notification of Commission's determination.* The Commission will notify the Secretary of the Treasury of its determination. A summary of the Commission's determination, together with a statement of reasons therefor, will be published in the FEDERAL REGISTER.

#### § 207.10 [Reserved]

#### Subpart C—Investigations of Reduced Sales of U.S. Products in U.S. Markets Resulting From Imports Provided With Subsidies (or Other Incentives Having the Effect of Subsidies)

#### § 207.11 Applicability of subpart.

This Subpart C of Part 207 applies specifically to investigations under section 301(c)(2) of the Trade Act of 1974. For other applicable rules, see part 201 of this chapter.

#### § 207.12 Investigations under section 301(c)(2) of the Trade Act of 1974.

(a) *Purpose of investigation.* The purpose of an investigation by the Commission under § 301(c)(2) of the Trade Act of 1974 is to determine whether exports to the United States, which the Secretary of the Treasury has determined are subsidized (or subject to other incentives having the effect of subsidies) by the exporting country or foreign instrumentality, have the effect of substantially reducing sales of the competitive U.S. product or products in the United States.

(b) *Institution of investigation.* Upon the receipt of the determination of the Secretary of the Treasury that a foreign country or instrumentality provides subsidies (or other incentives having the effect of subsidies) on exports of a product to the United States, the Commission shall institute an investigation for the purpose indicated in § 207.12(a) and publish notice thereof in the FEDERAL REGISTER.

(c) *Public hearing.* If, in the judgment of the Commission, there is good and sufficient reason therefor, the Commission, in the course of its investigation, will hold a public hearing and afford interested persons opportunity to appear and be heard at such hearing. If no notice of public hearing issues concurrently with a notice of investigation, any interested person who believes that a public hearing should be held may, within fifteen (15) days after the date of publication in the FEDERAL REGISTER of the notice of investigation, submit a request in writing to the Secretary of the Commission that a public hearing be held, stating the reasons for such request.

(d) *Written statements.* At any time after a notice of investigation under § 207.12(b) is published in the FEDERAL REGISTER, any interested person may submit to the Commission a written statement of information pertinent to the subject matter of such investigation. If a public hearing is held in the investigation, such statement may be received in lieu of appearance at such hearing. Statements shall conform with the requirements for documents set forth in §§ 201.6 and 201.8 of this chapter.

(e) *Notification of Commission's determination.* After the completion of its investigation, the Commission shall transmit to the President a report of the results thereof, including the findings and a transcript of the evidence submitted at the hearing, if any. The Commission's report (except confidential business data) will be released to the public.

#### PART 208—[RESERVED]

By order of the Commission.

Issued: December 21, 1976.

KENNETH R. MASON,  
Secretary.

[FR Doc. 76-37932 Filed 12-23-76; 8:45 am]

#### DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[ 23 CFR Part 620 ]

[FHWA Docket No. 76-18]

#### VALUE ENGINEERING

● *Purpose.* The purpose of this document is to propose the application of value engineering for Federal-aid projects.●

The Federal Highway Administration is considering rulemaking to implement section 106(d) of Title 23, United States Code. The proposed rulemaking would add Subpart D to Part 620 of Title 23 of the Code of Federal Regulations.

Under the above cited law, the Secretary is authorized to determine when value engineering analysis shall accompany plans, specifications, and estimates for proposed projects on any Federal-aid system. Since value engineering is a systematic technique for analyzing the function of a product, process, or service, and since its practice requires adherence to a unique procedure or "job plan," implementation of the requirements of law, as introduced in the Federal-Aid Highway Act of 1970, had to be deferred until each State highway department had been furnished an opportunity to participate in value engineering training and become familiar with the process. In fiscal year 1976, nine value engineering workshops were held, one in each of the Federal-aid Regions, and each State highway or transportation department was invited to participate.

The application of value engineering to Federal-aid projects is expected to provide a useful management technique producing considerable cash savings as well as product improvement. Generally, by applying value engineering techniques of identifying the function of a product or service, establishing a value for that function, and developing suitable alternatives, such product or service can be provided with the necessary functional reliability at the lowest overall cost.

To achieve effective utilization of value engineering, each State highway department would be encouraged to develop or have access to a capability to perform value engineering. Qualified value engineering consultants could be employed by a State to conduct VE studies on Federal-aid projects.

A directive pursuant to 23 U.S.C. 106 (d) is proposed to be included in Volume 6, Chapter 1, of the Federal-Aid Highway Program Manual for the purpose of formalizing the requirements for value engineering and imposing upon the States certain responsibilities regarding its practice. A handbook or text entitled "Value Engineering for Highways" has been prepared and will be issued with the directive to ensure full coverage of all States as well as region and division offices of the Federal Highway Administration. These texts will serve as amplification of the directive and detailed explanation of the process.

In summary, it is the purpose of the proposed addition of Subpart D, Part 620 to 23 CFR to encourage application of value engineering by the States to Federal-aid projects so as to accomplish program objectives at the lowest overall cost.

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. Communication should be submitted in triplicate to the Federal Highway Administration, Department of Transportation, Room 4230, Docket No. 76-18, 400 Seventh Street, SW, Washington, D.C. 20590. All communications received on or before February 1, 1977, will be considered by the Administrator before final action is taken on this proposal. Copies of all written communications received will be available for examination during normal business hours at the foregoing address.

These amendments to Title 23, Code of Federal Regulations, are proposed under the authority of 23 U.S.C. 106(d); and the delegation of authority by the Secretary of Transportation under 49 CFR 1.48(b) (5).

In consideration of the foregoing, it is proposed to amend Chapter I of Title 23 of the Code of Federal Regulations by adding a new Subpart D to Part 620.

Pursuant to the Department of Transportation Policies to Improve Analysis and Review of Regulations (41 FR 16200), the Secretary of Transportation has been notified that the proposed regulation is expressly mandated by statute or has minimal impact.

The Federal Highway 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.

Issued on: December 17, 1976.

NORBERT T. TIEMANN,  
Federal Highway Administrator.

23 CFR, Chapter I is amended by adding a new subpart D to Part 620, reading as follows:

#### Subpart D—Value Engineering

Sec.	
620.401	Purpose.
620.403	Definition.
620.405	Policy.
620.407	Use of Consultants.

AUTHORITY: 23 U.S.C. 106(d), 315; 49 CFR 1.48(b):

#### Subpart D—Value Engineering

##### § 620.401 Purpose.

To provide policy guidance on the application of value engineering (VE) to Federal-aid projects.

##### § 620.403 Definition.

"Value Engineering" is the systematic application of recognized techniques which identify the function of a product or service, establish a value for that function, and provide the necessary function reliably at the lowest overall cost.

##### § 620.405 Policy.

(a) Section 106(d) of Title 23, United States Code provides:

In such cases as the Secretary determines advisable, plans, specifications, and estimates for proposed projects on any Federal-aid system shall be accompanied by a value engineering or other cost reduction analysis.

(b) It is FHWA's policy to encourage State use of VE throughout highway project development, and, through the Division Administrator, to request that VE be performed on Federal-aid projects where its employment has high potential for public benefit.

##### § 620.407 Use of Consultants.

(a) Consultants qualified to practice VE, may be employed by a State to conduct VE studies on Federal-aid projects. A consultant may not be employed to apply VE to his own product.

(b) In all cases, the VE consultant should be a Certified Value Specialist (CVS) qualified by the Society of American Value Engineers, or other qualified practitioner meeting similar requirements of education, experience, and training.

[FR Doc.76-37767 Filed 12-23-76; 8:45 am]

## DEPARTMENT OF THE TREASURY

### Fiscal Service

[ 31 CFR Part 344 ]

#### UNITED STATES TREASURY CERTIFICATES OF INDEBTEDNESS—STATE AND LOCAL GOVERNMENT SERIES; UNITED STATES TREASURY NOTES—STATE AND LOCAL GOVERNMENT SERIES; AND UNITED STATES TREASURY BONDS—STATE AND LOCAL GOVERNMENT SERIES

##### Governing Regulations

Notice is hereby given that the Department of the Treasury is considering the adoption of revised regulations (31 CFR Part 344) to govern United States Treasury Certificates of Indebtedness, Notes and Bonds—State and Local Government Series.

The proposed new regulations, which are set forth at the end of this notice,

would restrict the funds eligible for investment in the above securities, would prescribe a more effective penalty provision for the premature redemptions of such securities, and would update the applicable requirements. The changes are to be effected under the authority of 26 U.S.C. 103 (a) and (d), 83 Stat. 656; 31 U.S.C. 752, 753, 754, 754d; and 5 U.S.C. 301.

Specifically, the principal changes being proposed are as follows:

(1) Subscriptions for any issue of securities will be accepted in the minimum amount of \$1,000, or in any larger amount in multiples of \$100; previously a \$5,000 multiple was prescribed.

(2) Certificates will be issued for terms as short as 45 days; notes will be issued with maturities up to ten years in conformity with a recent statutory change; bonds will be issued with maturities up to 40 years.

(3) Only funds consisting solely of proceeds of obligations described in Section 103(a) of the Internal Revenue Code, and in an amount not more nor less than that subject to certain yield restrictions, will be eligible for investment.

(4) Subscriptions submitted by an agent must be accompanied by evidence of the agent's authority to act.

(5) Subscribers will have up to 60 days to pay up on subscriptions, rather than the present three weeks.

(6) Subscriptions that are not timely paid will be canceled and substitute subscriptions will not be accepted for a period of six months.

(7) Paid subscriptions may be canceled, and refunded without interest, within 30 days of the issue date, but no substitute subscriptions will be accepted for a period of six months.

(8) A notice of one week, rather than the present two days, will be required for redemptions prior to maturity.

(9) A penalty will be imposed in any case where a premature redemption would disadvantage the Treasury by subjecting it to higher costs for borrowing funds in the same amount for the remaining period to original maturity.

(10) Where a note or bond is being redeemed prior to maturity, redemption will be effected only as of an interest payment date.

The offering of Treasury securities relates to the fiscal policy of the United States, and, accordingly, is not subject to notice and public procedures. In this case, however, given the connection between this offering and the recent publication of changes in the arbitrage regulations of the Internal Revenue Service, notice is being provided to give investors eligible to participate in this offering, and other interested parties, an opportunity to comment on the proposed rules. At the same time, since this offering is a continuous one, these rules shall apply to all investors electing to subscribe for these securities during the period between this publication and the adoption of the final regulations.

All comments, as well as requests for additional information, should be mailed

to the Bureau of the Public Debt, Washington, D.C. 20226 on or before January 26, 1977.

Dated: December 20, 1976.

David Mosso,  
Fiscal Assistant Secretary.

31 CFR Part 344 is revised as set forth below.

**PART 344—REGULATIONS GOVERNING UNITED STATES TREASURY CERTIFICATES OF INDEBTEDNESS—STATE AND LOCAL GOVERNMENT SERIES; UNITED STATES TREASURY NOTES—STATE AND LOCAL GOVERNMENT SERIES; AND UNITED STATES TREASURY BONDS—STATE AND LOCAL GOVERNMENT SERIES**

- Sec.  
344.0 Offering of securities.  
344.1 Description of securities.  
344.2 Subscription for purchase.  
344.3 Issue date and payment.  
344.4 Redemption.  
344.5 General provisions.

**AUTHORITY:** 26 U.S.C. 103(a) and (d), 83 Stat. 656; 31 U.S.C. 752, 753, 754, 754d; and 5 U.S.C. 301.

**SOURCE:**—Department of the Treasury Circular, Public Debt Series No. 3-72, Revised, dated November 21, 1972, as amended (31 CFR, Part 344), is hereby further revised and amended and issued as Department of the Treasury Circular, Public Debt Series No. 3-72, Second Revision.

**§ 344.0 Offering of securities.**

In order to provide States, municipalities and other government bodies described in section 103(a)(1) of the Internal Revenue Code, and the regulations issued under section 103, with investments tailored to their needs under those provisions, the Secretary of the Treasury offers for sale thereto, under the authority of the Second Liberty Bond Act, as amended:

- (1) United States Treasury Certificates of Indebtedness—State and Local Government Series.
- (2) United States Treasury Notes—State and Local Government Series, and
- (3) United States Treasury Bonds—State and Local Government Series.

The term "government body", as used herein, refers to any one of the entities to which section 103(a)(1) is applicable. The term "securities", as used herein, refers jointly to certificates, notes and bonds. This offering will continue until terminated by the Secretary of the Treasury.

**§ 344.1 Description of securities.**

(a) *General.* The securities will be issued in book-entry form on the books of the Department of the Treasury, Bureau of the Public Debt, Washington, D.C. 20226. They may not be transferred by sale, exchange, assignment or pledge, or otherwise.

(b) *Terms.*—(1) *Certificates of Indebtedness.* The certificates will be issued in a minimum of \$1,000, or in any larger amount in multiples of \$100, with maturity periods fixed, at the option of the government body, from 45 days up to one year, or for any intervening period.

(2) *Notes.* The notes will be issued in the minimum amount of \$1,000, or in any larger amount in multiples of \$100, with maturity periods fixed, at the option of the government body, from one year and one day up to and including ten years, or for any intervening period.

(3) *Bonds.* The bonds will be issued in the minimum amount of \$1,000, or in any larger amount in multiples of \$100, with maturity periods fixed, at the option of the government body from ten years and one day or for any longer period specified by year, month and day, not to exceed 40 years.

(c) *Rates of interest.* Each certificate, note or bond will bear such rate of interest as the government body shall designate, provided, however, that it shall not be more than one-eighth of 1 percent below the then current Treasury rate on a security of comparable maturity. Interest on certificates will be computed on an annual basis and will be payable at maturity with the principal amount. Interest on notes and on bonds will be paid beginning on any interest payment date requested in the subscription form, and on a semiannual basis thereafter to maturity.<sup>1</sup> If the date requested for the first interest payment is less than 45 days from the date of issue, no assurance can be given that such payment will be timely made. The final interest payment on notes and bonds shall coincide with their maturity and will be paid with the principal. The applicable maximum interest rates for each week may be determined from tables which will be generally available no earlier than the first business day of that week at Federal Reserve Banks and branches. The rate tables will be effective for all subscriptions actually received by the Banks and Branches during the week to which the tables apply, or, where mailed, by the stamp date. All subscriptions submitted by mail must be sent by certified or registered mail.

**§ 344.2 Subscription for purchase.**

A government body may purchase securities under this offering by submitting a subscription and making payment therefor to a Federal Reserve Bank or Branch. The subscription, dated and signed by an official authorized to make the purchase, must show the amounts, issue dates, maturities, and, on the basis of the applicable table, specify the interest rates of the securities desired; the semiannual interest payment dates (in the case of notes and bonds); and, the title(s) of the designated official(s) authorized to request early redemption of such securities. Subscriptions submitted for certificates, notes and bonds must separately itemize securities of each maturity and each interest rate. Each sub-

<sup>1</sup> If the first interest payment date on a note or bond is March 31, May 31, August 29, 30 and 31, October 31, or December 31, the alternate semiannual interest payment date will be September 30, November 30, February 28 (February 29 in leap year), April 30 or June 30, respectively. Otherwise, interest payment will be made on numerically corresponding dates at six-month intervals.

scriber will be required to certify that the total investment (1) Consists only of the proceeds of obligations described in section 103(a) of the Internal Revenue Code, and (2) Is not more nor less than the amount of such proceeds subject to yield restrictions under section 103(d) of the Code, and the regulations issued thereunder. Where a commercial bank submits a subscription on behalf of a government body, it must certify that it is acting under the latter's specific authorization; ordinarily, evidence of such authority will not be required. Subscriptions submitted by an agent other than a commercial bank must be accompanied by evidence of the agent's authority to act. Such evidence must describe the nature and scope of the agent's authorization, the legal authority under which the agent was designated, and relate by its terms to the investment action being undertaken. Subscriptions unsupported by such evidence will not be accepted.

**§ 344.3 Issue date and payment.**

The subscriber shall fix the issue date of each security for which a subscription has been submitted, but in no case may such date exceed by more than 60 calendar days either the date of receipt of the subscription at the Federal Reserve Bank or Branch to which it was submitted or, where mailed, the stamp date thereof. Full payment for each subscription in immediately available funds must be made on the date of issue, or at any time prior thereto. Except in cases where failure to complete a subscription is established to have been due to circumstances not foreseen or contemplated, any subscriber which fails to make timely payment for its subscription will be ineligible thereafter to subscribe for securities under this offering for a period of not less than six months. A subscriber may cancel a paid subscription within 30 days of the issue date, in which event the purchase price, without interest, will be refunded. No substitute subscription therefor will be accepted for a period of six months.

**§ 344.4 Redemption.**

(a) *At maturity.* A security may not be called for redemption by the Secretary of the Treasury prior to maturity. Upon the maturity of a security, the Treasury will make payment of the principal amount and interest to the owner thereof (1) by a direct credit for its account through a member bank of the Federal Reserve System, (2) by Treasury check, or (3) in accordance with other prior arrangements made by the subscriber with the Bureau of the Public Debt.

(b) *Prior to maturity.* A security may be redeemed at the owner's option on one week's notice after 45 days from the issue date in the case of a certificate, and after one year from the issue date in the case of a note or bond. Where redemption prior to maturity occurs, the interest for the entire period the security was outstanding shall be calculated on the basis of the lesser or (1) the original interest rate

at which the security was issued, or (2) the interest rate that would have applied had the term for the security actually been for the shorter period. There shall be deducted from the redemption proceeds, if necessary, any overpayment of interest resulting from previous payments at a higher rate based on the original longer period to maturity. In addition, a penalty shall be assessed in all cases where the current borrowing costs to the Department of the Treasury for the remaining period to original maturity of the security prematurely redeemed exceeds the rate of interest originally fixed for such security. The difference between the two rates shall be the applicable penalty. It shall be assessed by deducting from the redemption proceeds the amount required to offset the increased costs to finance the amount being redeemed. Where a note or bond is being redeemed prior to maturity, its redemption will be effected only as of an interest payment date; no interest will be paid for any fractional part of an interest period. A notice to redeem a security prior to the maturity date must be given by the official(s) authorized to redeem it, as shown on the subscription form, to the Bureau of the Public Debt, Division of Securities Operations, Washington, D.C. 20226, by letter or wire or by telephone confirmed by wire. The telephone number is (202) 447-1288.

#### § 344.5 General provisions.

(a) *Regulations.* United States Treasury Certificates of Indebtedness—State and Local Government Series, United States Treasury Notes—State and Local Government Series, United States Treasury Bonds—State and Local Government Series, shall be subject to the general regulations with respect to United States securities, which are set forth in the Department of the Treasury Circular No. 300, current revision (31 CFR Part 306), to the extent applicable. Copies of the circular may be obtained from the Bureau of the Public Debt, Washington, D.C. 20226, or a Federal Reserve Bank or Branch.

(b) *Fiscal Agents.* Federal Reserve Banks and Branches, as fiscal agents of the United States, are authorized to perform such services as may be requested of them by the Secretary of the Treasury in connection with the purchase of, and transactions in, the securities.

(c) *Reservations.* The Secretary of the Treasury reserves the right to reject any application for the purchase of securities hereunder, in whole or in part, and to refuse to issue or permit to be issued any such securities in any case or any class or classes of cases if he deems such action to be in the public interest, and his action in any such respect shall be final. The Secretary of the Treasury may also at any time, or from time to time, supplement or amend the terms of these regulations, or of any amendments or supplements thereto.

[FR Doc.76-37809 Filed 12-23-76;8:45 am]

## DEPARTMENT OF AGRICULTURE

Forest Service

[ 36 CFR Part 231 ]

### GRAZING LIVESTOCK ON NATIONAL FOREST SYSTEM LANDS

#### Advance Notice of Proposed Rulemaking

The Forest Service is preparing to amend Part 231 of Title 36, Code of Federal Regulations pertaining to grazing livestock on National Forest System lands. Amendments are necessary to incorporate direction given to the Secretary of Agriculture in the Federal Land Policy and Management Act of 1976 (90 Stat. 2743).

This Advance Notice of Proposed Rulemaking is being issued in order to give individuals and organizations who desire an opportunity to submit written views and suggestions as to proposed content of the rules. Communications should be directed to the Director of Range Management, USDA, Forest Service, P.O. Box 2417, Washington, D.C. 20013. All communications received on or before January 28, 1977, will be considered before taking action on the proposed rules. All comments submitted will be available both before and after the closing date for comments for the examination of interested parties. After consideration of the available data and comments received in response to this notice, a Notice of Proposed Rulemaking will be issued.

The Federal Land Policy and Management Act of 1976 directs certain phases of management of the grazing resources of the National Forest System and, specifically, National Forests in the 11 contiguous western States. Part 231 of 36 CFR is involved in the following categories:

1. Authorities and definitions.
2. Management of the range environment.
3. Issuance and reissuance of grazing permits:
  - a. 10-year term permits;
  - b. Compensation for permittee interest in authorized permanent improvements; and
  - c. Cancellation of term grazing permits.
4. Rangeland betterment funds for range improvement.
5. Grazing advisory boards.
6. Grazing fees.
7. Management of certain wild horses and burros.

Rulemaking covering grazing fees and management of certain wild horses and burros are being handled individually. This notice does not invite comment on these two items. Other notices will invite comment and participation in rules for these management phases. Comments are now welcome on items one through five listed above.

(Sec. 1, 30 Stat. 35 as amended, sec. 1, 33 Stat. 628; 16 U.S.C. 551, 472; sec. 32, 50 Stat. 525, as amended; 7 U.S.C. 1011; 85 Stat. 649; 90 Stat. 2743; 90 Stat. 2949.)

Issued in Washington, D.C. on December 17, 1976.

R. A. RESLER,  
Assistant Chief, Forest Service.

[FR Doc.76-37808 Filed 12-23-76;8:45 am]

## FEDERAL COMMUNICATIONS COMMISSION

[ 47 CFR Part 15 ]

[Docket No. 21010; RM-2577; FCC 76-1104]

### UHF TELEVISION RECEIVER NOISE FIGURES

#### Inquiry and Proposed Rule Making

Adopted: November 30, 1976.

Released: December 16, 1976.

1. The Commission has received a petition for rulemaking to amend § 15.67 of the Commission's Rules and Regulations to reduce the noise figure required for UHF television receivers on Channels 14-83 inclusive. The petition seeks to reduce the maximum noise figure for UHF receivers from 18 dB, as presently given in § 15.67, to 14 dB within 6 months, 12 dB within 18 months, and 10 dB within 30 months. The petition (RM-2577) was filed with the Commission by the Council for UHF Broadcasting (CUB) joined by the Corporation for Public Broadcasting (CPB), the Public Broadcasting Service (PBS), the National Association of Broadcasters (NAB), the Association of Maximum Service Telecasters Inc. (AMST), the Association of Independent Television Stations Inc. (INTV), and the Joint Council on Educational Telecommunications (JCET). Statements in opposition to this petition were filed with the Commission by the Consumers Electronics Group of the Electronic Industries Association (EIA) and Television Receiver Engineering Committee of the Electronic Industries Association of Japan (EIAJ-TV Rec). The Commission believes that more information is required above that contained in this petition and the oppositions thereto to allow a decision to be reached which considers all pertinent economic and technical effects of a change in the required UHF receiver noise figures from those presently given in § 15.67. For this reason, the Commission is releasing this Notice of Inquiry and Proposed Rule Making.

2. According to § 15.4(h) of the Commission's Rules and Regulations, the noise figure of a television broadcast receiver is: "The ratio of (1) the total noise power delivered by the receiver into its output termination when the noise temperature of its input termination is standard (290° K) at all frequencies; to (2) the portion thereof engendered by the input termination.

NOTE.—For a television broadcast receiver, portion (2) includes only that noise from the input termination which appears in the output via the principal frequency transformation and does not include spurious contributions such as those from image frequency transformation.

3. The method commonly used for measurement of television receiver noise figures is described in the Institute of Electrical and Electronic Engineers Standard IEEE 190-1960, paragraph 4.4.

4. Section 15.67 of the Commission's Rules and Regulations requires television receivers manufactured after April 30, 1964, to have noise figures not exceeding 18 dB (in Channels 14 through 83).

5. Data filed with the FCC during 1971-1972 by various television receiver manufacturers covering 100 different television receivers showed an average noise figure in the UHF television band of 12.4 dB. The standard deviation of the noise figures was 1.9 dB. The distribution of the noise figures was normal.<sup>1</sup>

6. Measurements made in 1974 of the noise figures of 8 types of foreign UHF television tuners gave an average noise figure of 8.95 dB with a standard deviation of 1.75 dB. The range of noise figures of these tuners was from 6.3 to 14.4 dB. Ten U.S. UHF television receivers measured during the same program had an average noise figure of 12.7 dB with a standard deviation of 3.2 dB. The range of noise figures measured for the U.S. receivers was from 7.8 to 20+ db. (The noise figures for the U.S. receivers included those on Channel 83 which was not measured on the foreign tuners.) The U.S. receivers were in the low, medium, and high price ranges. There was no marked trend between noise figure and price.<sup>2</sup>

7. Tests made on a sample of 5 U.S. television receivers using UHF television broadcast signals found little correlation between receiver noise figure and susceptibility of the receiver to cross modulation and intermodulation interference.<sup>3</sup>

8. The most common UHF tuner in U.S. television sets today is the 70 position mechanical tuner. The tuner uses 2 tuned circuits between the antenna input terminals of the tuner and the diode point contact diode mixer. The mixer output is fed through a broadband circuit to the input of the VHF tuner which is used as the 1st IF amplifier. When aligned properly and with the normal range of component values this tuner has a noise figure between 11 to 14 dB. (If mistracking occurs or there is antenna mismatching, the noise figures will, however, be somewhat higher.<sup>4</sup>

9. Data on 2 commercial U.S. tuners using point contact diodes and on 2 commercial tuners using hot carrier diodes (when corrected for correspondence to equal IF noise figures) showed that the hot carrier diode tuners had 1 to 2.3 dB better average noise figures than did the point contact diode tuners. Both tuners are in production.<sup>5</sup>

10. Utilization of available improved UHF diodes and transistors in UHF television tuners will reduce present receiver noise figures.<sup>6</sup>

11. The EIA proposes that a determination be made of the cost effectiveness of a lower noise figure requirement and the social and economic necessity of the continuing availability of low cost television receivers prior to any reduction of the 18 dB noise figure requirement of § 15.67 of the Commission's Rules and Regulations.<sup>4</sup>

12. In view of these considerations, this Notice of Inquiry and Proposed Rule Making solicits responses to the following questions:

(a) Will the changes which would be required in current television sets to reduce UHF noise figures produce greater receiver susceptibilities to other forms of interference (as cross modulation, intermodulation)?

(b) Will UHF receiver oscillator radiation be changed (and if so to what extent) by steps taken to improve UHF noise figures?

(c) At present the average television receiver has a UHF noise figure well below 18 dB. Should § 15.67 of the Rules be deleted from the Rules?

(d) What, if any, are the technical limitations relative to the degree of improvement which can be accomplished in UHF receiver noise figure by using the recently developed diodes and transistors?

(e) What time period will be required to produce television receivers having no greater interference susceptibilities than present receivers, but with UHF noise figures not exceeding: (1) 14 dB, (2) 12 dB, and (3) 10 dB?

(f) What will be the additional cost to the consumer above present television receiver prices for improved television receivers with no greater interference susceptibilities than at present but with the noise figures listed in (e).

(g) Viewers in areas where UHF television signals are strong may already be receiving pictures with very little noise degradation and probably would not benefit to any great extent from a receiver having a noise figure lower than present noise figures. Viewers in weaker signal areas probably would receive noticeable improvements in picture quality from receivers with reduced noise figures. Should several types of television receivers be considered: (1) Those with present noise figures for strong signal areas, and (2) those with noise figures as in (e) for weaker signal areas?

(h) It has been shown that in a sample of 100 television receivers the UHF noise figures are normally distributed.<sup>1</sup> By proper specification of a UHF television receiver noise figure mean and standard deviation, the percentage of receivers having unacceptably high noise figures can be limited to any desired small percentage of the new receiver population. What costs benefits would accrue to: (1) Television receiver manufacturers, (2) the public, if the UHF television requirement (§ 15.67) of the Commission's Rules and Regulations would be changed to specify a UHF television noise figure

mean and standard deviation rather than a maximum noise figure?

(i) Are there any imminent technical developments not considered herein which could affect UHF television receiver noise figures and which should accordingly be considered?

13. Attention is invited to relevant exhibits listed below. These exhibits are being placed on file in the instant docket for public inspection.

ADMINISTRATIVE PROVISIONS

14. Authority for this proceeding is contained in sections 4(i), 302, 303(g), 303(r), 303(s), and 330 of the Communications Act of 1934, as amended.

15. Pursuant to applicable procedures set forth in § 1.415 of the Commission's Rules, interested parties may file comments on or before February 15, 1977, and reply comments on or before March 31, 1977. All relevant and timely comments and reply comments will be considered by the Commission before further action is taken in this proceeding. The Commission may also consider any other relevant information brought to its attention.

16. In accordance with the provisions of § 1.419 of the Commission's Rules, an original and 5 copies of all comments, reply comments, pleadings, briefs and other documents shall be furnished the Commission. All filings 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.

FEDERAL COMMUNICATIONS COMMISSION,  
VINCENT J. MULLINS,  
Secretary.

Exhibit No.: FCC-1. Report No. T-7201. "A Survey of Certain Performance Characteristics of Television Receivers" by Sidney R. Lines, June 9, 1972. Available NTIS: PB-236-991. \$3.25.

[FR Doc.76-37841 Filed 12-23-76; 8:45 am]

[ 47 CFR Part 76 ]

[Docket No. 20829]

CABLE TELEVISION APPLICANTS AND CERTIFICATE HOLDERS AND LICENSEES OF CABLE TELEVISION RELAY STATIONS

Nondiscrimination in Employment Policies and Practices

Adopted: December 16, 1976.

Released: December 21, 1976.

In the matter of nondiscrimination in the employment policies and practices of cable television applicants and certificate holders and licensees of cable television relay stations.

1. On July 30, 1976, the Commission adopted a Notice of Proposed Rulemaking in the above-captioned proceeding. Deadlines for filing comments and re-

<sup>6</sup> Commissioner Lee absent.

<sup>1</sup> FCC, Office of Chief Engineer, Technical Division, Report No. T-7201. "A Survey of Certain Performance Characteristics of Television Receivers."

<sup>2</sup> Petition for Rule Making to Amend § 15.67 of the Commission's Rules and Regulations RM-2577 by The Council for UHF Broadcasting (CUB), and others.

<sup>3</sup> "Comparative UHF Cross Modulation Performance of Several 1976 Color Television Receivers," by David Sillman and John T. Wilner, Engineering Report E 7607, August 20, 1976, Public Broadcasting Service, 475 L'Enfant Plaza, W. S.W., Washington, D.C. 20024.

<sup>4</sup> Opposition to the Petition for Rule Making, RM-2577 by Consumers Electronics Group of the Electronic Industries Association.

plies were November 10, 1976 and December 10, 1976, respectively.

2. On December 9, 1976, National Black Media Coalition (NBMC) filed a "Motion for Leave to File Motion for Extension of Time in Which to File Supplemental Comments," and an associated motion for extension of time. In support of its motions NBMC stated that its counsel is presently awaiting statistical information which should prove beneficial to the Commission in its deliberations—specifically, an independent study on cable equal employment opportunities. NBMC submits that the Commission should have an opportunity to review the study as a part of its considerations in this proceeding and requests

an extension until December 20, 1976, in which to file.

3. Under normal circumstances we would deny a motion for extension of time for submission of additional comments at such a late date, particularly since no reason was given why we could not have been informed earlier about the existence of the study. However, since NBMC is apparently in the process of gathering data which is unique in nature and could be of some assistance to us in this proceeding and since it would appear that the public interest would not be harmed by a grant of the motions before us, we will grant NBMC's motions. In order to permit other parties to reply to NBMC's filing we will allow a reason-

able period of time for additional replies as well. We contemplate no further extensions of the time periods listed below.

*Accordingly, it is ordered,* That supplemental comments may be filed to and including December 20, 1976 and additional replies may be filed to and including January 10, 1977.

This action is taken by the Chief, Cable Television Bureau pursuant to authority delegated by § 0.288(a) of the Commission's Rules.

FEDERAL COMMUNICATIONS  
COMMISSION,  
JAMES R. HOBSON,  
*Chief, Cable  
Television Bureau.*

[FR Doc. 76-37831 Filed 12-23-76; 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.

## CIVIL AERONAUTICS BOARD HUGHES AIRWEST

### Application for Amendment

DECEMBER 20, 1976.

Notice is hereby given that the Civil Aeronautics Board on December 20, 1976, received an amendment application, Docket 28981, from Hughes Air Corp., d.b.a. Hughes Airwest (Airwest) for an amendment to its certificate of public convenience and necessity for Route 76, so as to remove the certificate provisions which require Airwest to serve an intermediate point(s) on flights between:

- A. Phoenix, Arizona-Sacramento, California (one-stop);
- B. Fresno, California-Portland, Oregon (one-stop) and;
- C. Sacramento, California-Seattle, Washington (two-stops).

The applicant requests that its application be processed under the expedited procedures set forth in Subpart M of Part 302 (14 CFR Part 302).

JAMES R. DERSTINE,  
*Acting Secretary.*

[FR Doc.76-37902 Filed 12-23-76;8:45 am]

[Docket 27557]

## TRANSATLANTIC FAK CONTAINER AND CHARTER FREIGHT RATES INVESTIGATION

### Postponement of Prehearing Conference

Notice is hereby given that the prehearing conference in the above entitled matter, now assigned to be held on January 6, 1977, (41 FR 50849, November 18, 1976) is hereby postponed to January 20, 1977, at 9:30 a.m. (local time), in Room 1003, Hearing Room A, Universal North Building, 1875 Connecticut Avenue, NW., Washington, D.C.

Dated at Washington, D.C., December 20, 1976.

THOMAS P. SHEEHAN,  
*Administrative Law Judge.*

[FR Doc.76-37903 Filed 12-23-76;8:45 am]

## CIVIL SERVICE COMMISSION

### REVOCATION OF AUTHORITY TO MAKE NONCAREER EXECUTIVE ASSIGNMENT

#### Selective Service System

Under authority of section 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Selective Service System to fill by noncareer executive assignment in the excepted service the position of Legislation and Liaison Officer, Office of Legislation and Liaison.

United States Civil Service Commission.

JAMES C. SPRY,  
*Executive Assistant to  
the Commissioners.*

[FR Doc.76-37566 Filed 12-23-76;8:45 am]

### REVOCATION OF AUTHORITY TO MAKE NONCAREER EXECUTIVE ASSIGNMENT

#### Selective Service System

Under authority of section 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Selective Service System to fill by noncareer executive assignment in the excepted service the position of Deputy Director, Office of the Deputy Director.

United States Civil Service Commission.

JAMES C. SPRY,  
*Executive Assistant to  
the Commissioners.*

[FR Doc.76-37567 Filed 12-23-76;8:45 am]

### REVOCATION OF AUTHORITY TO MAKE NONCAREER EXECUTIVE ASSIGNMENT

#### Selective Service System

Under authority of section 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Selective Service System to fill by noncareer executive assignment in the excepted service the position of General Counsel.

United States Civil Service Commission.

JAMES C. SPRY,  
*Executive Assistant to  
the Commissioners.*

[FR Doc.76-37568 Filed 12-23-76;8:45 am]

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

### TRANSFER OF A FISHING VESSEL TO A COMPANY UNDER FOREIGN CONTROL

#### Receipt of Application for Approval

Notice is hereby given that on October 26, 1976, the Maritime Administration of the Department of Commerce received an application from David C. Owen, 21350 Hawthorne Blvd., Torrance, California 90503, for the approval of the sale of the 36.5' registered length fishing vessel Crystalina, O.N. 269449, to Mr. Pou-Fau Li, aka Paul Lee, 6540 Gentry Avenue, No. Hollywood, California 91606. Such approval is required by Sections 9 and 37 of the Shipping Act, 1916, as amended (46 U.S.C. 808, 835), because

the applicant, a permanent U.S. resident, is a citizen of the Republic of China. The vessel will be modified to be admeasured at under 5 net tons and will be operated primarily in the Southern California fishery for sea urchins.

The Maritime Administration is the Federal agency responsible for the approval or disapproval of applications submitted pursuant to Sections 9 and 37 of the Shipping Act. However, the Maritime Administration customarily solicits the views of the National Marine Fisheries Service before deciding on an application relating to a fishing vessel, and has sought the views of the Service with regard to this application. Accordingly, the Service solicits the written comments of interested persons in regard to this application. Such comments should be addressed to the Director, National Marine Fisheries Service, Washington, D.C. 20235, and received no later than 30 days after the date this notice is published. All communications received by such date will be considered before action is taken with respect to this application. No public hearing is contemplated at this time.

Dated: December 21, 1976.

JACK W. GEHRINGER,  
*Deputy Director, National  
Marine Fisheries Service.*

[FR Doc.76-37948 Filed 12-23-76;8:45 am]

## COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

### REPUBLIC OF CHINA

### Establishing Import Levels for Certain Cotton and Man-Made Fiber Textile Products

DECEMBER 20, 1976.

On May 21, 1975, in furtherance of the objectives of, and under the terms of, the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, the Governments of the United States and the Republic of China concluded a comprehensive bilateral cotton, wool and man-made fiber textile agreement concerning exports of cotton, wool and man-made fiber textile products from the Republic of China to the United States over a period of three years beginning on January 1, 1975. The agreement was amended by an exchange of notes between the two governments, dated December 31, 1975, to provide, *inter alia*, a combined consultation level for wool textile products in Category 116/117 and to exempt three additional traditional items from the levels of the agreement. Among the provisions of the agreement, as amended, are those estab-

lishing specific limits for Categories 9/10, 18/19, 22/23, 43 and part of 62 (shirts and blouses), 45/46/47, 48, 49, 50/51, 60, 213, 219, 221, 222, 224, and 234/235 for the agreement year beginning on January 1, 1977.

Accordingly, there is published below a letter of December 20, 1976 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs directing that entry into the United States for consumption and withdrawal from ware-

house for consumption in Categories 9/10, 18/19, 22/23, 43 and part of 62 (shirts and blouses), 45/46/47, 48, 49, 50/51, 60, 213, 219, 221, 222, 224, and 234/235 limited to the designated levels. The levels of restraint established for cotton textile products in Categories 45/46/47, 50/51 and 60 and man-made fiber textile products in Category 221 have been reduced by the following amounts, representing carryforward applied to these categories in the agreement year which began on January 1, 1976:

Category	Reduction for Carryforward
45/46/47	791,489 square yards equivalent
50/51	40,225 dozen
60	2,550 dozen
221	227,439 dozen

This letter and the actions taken pursuant thereto are not designed to implement all of the provisions of the bilateral agreement, as amended, but are designed to assist only in the implementation of certain of its provisions.

ROBERT E. SHEPHERD,

*Acting Chairman, Committee for the Implementation of Textile Agreements, and Acting Deputy Assistant Secretary for Resources and Trade Assistance, Department of Commerce.*

COMMISSIONER OF CUSTOMS  
Department of the Treasury  
Washington, D.C. 20229

DECEMBER 20, 1976.

DEAR MR. COMMISSIONER: Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of May 21, 1975 between the Governments of the United States and the Republic of China, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, you are directed to prohibit, effective on January 1, 1977 and for the twelve-month period extending through December 31, 1977, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton and man-made fiber textile products in the indicated categories in excess of the following levels of restraint:

Category	Twelve-Month Level of Restraint
9/10	38,815,413 square yards
18/19	2,099,995 square yards
22/23	4,165,065 square yards
43 and part of 62 (only T.S.U.S.A. Nos. 382.0002, 382.0605 and 382.0610)	926,311 square yards equivalent
45/46/47 <sup>1</sup>	13,224,465 square yards equivalent (of which are not more than 35,619 dozen shall be in Category 45)
48	24,836 dozen
49	39,512 dozen
50/51 <sup>1</sup>	672,091 dozen (of which not more than 341,600 dozen shall be in Cat. 50 and not more than 548,796 dozen shall be in Cat. 51)
60 <sup>1</sup>	42,606 dozen
213	8,637,219 pounds
219	5,724,274 dozen
221 <sup>1</sup>	3,800,134 dozen
222	3,784,849 dozen
224	9,697,015 pounds (of which not more than 225,781 pounds shall be in T.S.U.S.A. Nos. 380.0420 and 380.8143 and not more than 677,344 pounds shall be in T.S.U.S.A. Nos. 380.0402 and 380.8103)
234/235	70,065,124 square yards equivalent

<sup>1</sup> These levels have been reduced to account for carryforward used in the previous agreement year.

In carrying out this directive, entries of cotton and man-made fiber textile products in the foregoing categories, produced or manufactured in the Republic of China and exported to the United States prior to January 1, 1977, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the period January 1, 1976 through December 31, 1976. In the event the levels of restraint established for these goods have been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter.

The levels of restraint set forth above are subject to adjustment pursuant to the provisions of the bilateral agreement of May 21, 1975, as amended, between the Governments

of the United States and the Republic of China which provide, in part, that: (1) within the aggregate and applicable group limits of the agreement, specific levels of restraint may be exceeded by designated percentages; (2) these levels may be increased for carryover and carryforward up to 11 percent of the applicable category limit; and (3) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement. Any appropriate future adjustments under the foregoing provisions of the bilateral agreement will be made to you by letter.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on February 3, 1975,

as amended on December 30, 1975 (40 FR 60220).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Republic of China and with respect to imports of cotton, wool and man-made fiber textile products from the Republic of China have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ROBERT E. SHEPHERD,  
*Acting Chairman, Committee for the Implementation of Textile Agreements, and Acting Deputy Assistant Secretary for Resources and Trade Assistance.*

[FR Doc.76-37862 Filed 12-23-76;8:45 am]

### SOCIALIST REPUBLIC OF ROMANIA Establishing Control Levels for Certain Cotton Textile Products

DECEMBER 20, 1976.

On June 2, 1975, in furtherance of the objectives of, and under the terms of, the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, the Governments of the United States and the Socialist Republic of Romania concluded a comprehensive bilateral cotton textile agreement concerning exports of cotton textiles and cotton textile products from Romania to the United States over a period of three years beginning on January 1, 1975. Among the provisions of the agreement are those establishing designated annual consultation levels for Categories 26 (other than duck), 41, 42, 43, 47, 48, 49, and 50 for the agreement year beginning on January 1, 1977.

Accordingly, there is published below a letter of December 20, 1976 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs directing that for the twelve-month period beginning on January 1, 1977 and extending through December 31, 1977 entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Categories 26 (other than duck), 41, 42, 43, 47, 48, 49, and 50 be limited to the designated levels.

This letter and the actions taken pursuant thereto are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

ROBERT E. SHEPHERD,  
*Acting Chairman, Committee for the Implementation of Textile Agreements, and Acting Deputy Assistant Secretary for Resources and Trade Assistance.*

COMMISSIONER OF CUSTOMS,  
DEPARTMENT OF THE TREASURY,  
Washington, D.C. 20229.

DECEMBER 20, 1976.

DEAR MR. COMMISSIONER: Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, pursuant to the Bilateral Cotton Textile Agreement of June 2, 1975 between the Governments of the United States and

the Socialist Republic of Romania, and in accordance with the provisions of executive Order 11651 of March 3, 1972, you are directed to prohibit, effective on January 1, 1977 and extending through December 31, 1977, entry into the United States for consumption of cotton textile products in Categories 26 (other than duck), 41, 42, 43, 47, 48, 49, and 50, in excess of the following levels of restraint:

Category	Twelve-Month Level of Restraint
26 (other than duck) <sup>1</sup>	3,000,000 square yards
41	414,708 dozen
42	414,708 dozen
43	414,708 dozen
47	67,610 dozen
48	60,000 dozen
49	92,308 dozen
50	168,568 dozen

<sup>1</sup> In Category 26 the T.S.U.S.A. Numbers for duck fabric are:

320.—01 through 04, 06, 08	326.—01 through 04, 06, 08
321.—01 through 04, 06, 08	327.—01 through 04, 06, 08
322.—01 through 04, 06, 08	328.—01 through 04, 06, 08

In carrying out this directive, entries of cotton textile products in the foregoing categories, produced or manufactured in Romania and exported to the United States prior to January 1, 1977 shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the period January 1, 1976 through December 31, 1976. In the event that the levels of restraint established for that twelve-month period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter.

The levels set forth above are subject to adjustment in the future, pursuant to the provisions of the bilateral agreement of June 2, 1975 between the Governments of the United States, and the Socialist Republic of Romania which provide, in part, that: (1) consultation levels may be increased within the aggregate ceiling upon agreement between the two governments; and (2) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement. Appropriate adjustments under the foregoing provisions of the bilateral agreement will be made to you by letter.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on February 3, 1975 (40 FR 5010), as amended on December 30, 1975 (40 FR 60220).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Socialist Republic of Romania and with respect to imports of cotton textiles and cotton textile products from Romania have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ROBERT E. SHEPHERD,  
Acting Chairman, Committee for the  
Implementation of Textile Agree-  
ments, and Acting Deputy Assis-  
tant Secretary for Resources and  
Trade Assistance, Department of  
Commerce.

[FR Doc.76-37864 Filed 12-23-76;8:45 am]

#### THAILAND

#### Establishing Import Control Levels for Certain Cotton and Man-Made Fiber Textile Products

DECEMBER 20, 1976.

On December 29, 1975, in furtherance of the objectives of, and under the terms

of, the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, the Governments of the United States and Thailand concluded a comprehensive bilateral cotton, wool and man-made fiber textile agreement concerning exports of cotton, wool and man-made fiber textile products from Thailand to the United States over a three-year period beginning on January 1, 1976 and extending through December 31, 1978. Among the provisions of the agreement are those establishing specific export limitations for Categories 45/46/47, 219, 221, 222, 224, and 229 for the agreement year beginning on January 1, 1977.

There is published below a letter of December 20, 1976 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, directing that the amounts of cotton and man-made fiber textile products in Categories 45/46/47, 219, 221, 222, 224, and 229, produced or manufactured in Thailand, which may be entered or withdrawn from warehouse for consumption in the United States for the twelve-month period beginning on January 1, 1977 be limited to the designated levels.

The letter published below and the actions taken pursuant thereto are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

ROBERT E. SHEPHERD,  
Acting Chairman, Committee  
for the Implementation of  
Textile Agreements, and Act-  
ing Deputy Assistant Secre-  
tary for Resources and Trade  
Assistance, Department of  
Commerce.

COMMISSIONER OF CUSTOMS,  
DEPARTMENT OF THE TREASURY,  
Washington, D.C. 20229.

DEAR MR. COMMISSIONER: Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973 pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of December 29, 1975, between the Governments of the United States and Thailand, and in accordance with the pro-

visions of Executive Order 11651 of March 3, 1972, you are directed to prohibit, effective on January 1, 1977 and for the twelve-month period extending through December 31, 1977, entry into the United States for consumption and withdrawal from warehouse for

consumption of cotton textile products in Category 45/46/47 and man-made fiber textile products in Categories 219, 221, 222, 224, and 229, produced or manufactured in Thailand, in excess of the following levels of restraints:

Category	Twelve-Month Level of Restraint	
45/46/47	1,605,000	square yards equivalent
219	871,460	dozen
221	49,430	dozen
222	300,562	dozen
224	452,692	pounds
229	180,606	dozen

In carrying out this directive, entries of cotton and man-made fiber textile products in the foregoing categories, produced or manufactured in Thailand, which have been exported to the United States from Thailand prior to January 1, 1977, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods for the twelve-month period beginning on January 1, 1976 and extending through December 31, 1976. In the event the levels of restraint established for that period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter.

The levels of restraint set forth above are subject to adjustment in the future, pursuant to the provisions of the bilateral agreement of December 29, 1975, between the Governments of the United States and Thailand which provide, in part, that: (1) levels of restraint in Group I may be increased by ten percent and in Group II, by seven percent; (2) these levels may be increased for carry-over and carryforward up to eleven percent of the applicable category limit; (3) consultation levels may be increased within the aggregate and applicable group limits upon agreement between the two governments; and (4) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement. Any appropriate adjustments under the provisions of the bilateral agreement referred to above will be made to you by letter.

A detailed description of the categories in terms of T.S.U.S.A. numbers and factors for converting category units into equivalent square yards was published in the FEDERAL REGISTER on February 3, 1975 (40 FR 5010), as amended on December 31, 1975 (40 FR 60220).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Thailand and with respect to imports of cotton and man-made fiber textile products from Thailand have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ROBERT E. SHEPHERD,  
Acting Chairman, Committee for the  
Implementation of Textile Agree-  
ments, and Acting Deputy Assistant  
Secretary for Resources and  
Trade Assistance, Department of  
Commerce.

[FR Doc.76-37863 Filed 12-23-76; 8:45 am]

This notice is automatically cancelled six months from the date of this FEDERAL REGISTER.

By the Committee.

C. W. FLETCHER,  
Executive Director.

[FR Doc.76-37851 Filed 12-23-76; 8:45 am]

## COUNCIL ON ENVIRONMENTAL QUALITY

### ENVIRONMENTAL IMPACT STATEMENTS

#### List of Statements Received

Environmental impact statements received by the Council on Environmental Quality from December 13 to December 17, 1976. The date of receipt for each statement is noted in the statement summary. Under Council Guidelines the minimum period of public review and comment on draft environmental impact statements is forty-five (45) days from this FEDERAL REGISTER notice of availability (February 7, 1977). The thirty (30) day period for each final statement begins on the day the statement is made available to the Council and to commenting parties.

Copies of individual statements are available for review from the originating agency. Back copies will also be available at 10 cents per page from the Environmental Law Institute, 1346 Connecticut Avenue, Washington, D.C. 20036.

#### DEPARTMENT OF COMMERCE

Contact: Dr. Sidney R. Galler, Deputy Assistant Secretary for Environmental Affairs, Department of Commerce, Washington, D.C. 20230 202-967-4335.

#### Draft

Knoxville International Energy Exposition, Tenn., December 15: The proposed action is the official recognition of an international exposition themed to energy. This exposition is proposed to be held in the City of Knoxville from May to October in 1982. The purpose of the Exposition is to offer to the citizens of the world a greater comprehension of the effective use of energy and energy resources in the physical field and a more discriminating appreciation of the creative energy in the artistic field. Adverse environmental impacts may include the displacement of the current residents and businesses on the proposed site, and disruption of their lives, lifestyles, and activities (305 pages). (ELR Order No. 61750.)

#### DEPARTMENT OF DEFENSE

#### AIR FORCE

Contact: Dr. Billy Welch, Room 4D 873, The Pentagon, Washington, D.C. 20330, 202-OX-9297.

#### Final

AWACS Beddown at Tinker AFB, Oklahoma County, Okla., December 15: The proposed action is to beddown a new wing of the E-3A, AWACS, aircraft at Tinker AFB, Oklahoma. The first AWACS aircraft is programmed to arrive in March 1977 with the full complement of 34 aircraft assigned by 1981 assuming timely Congressional approval for their production. The proposed action will also result in the alteration and new con-

## COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

### PROCUREMENT LIST 1977

#### Addition; Correction

In FR Doc. 76-37104 appearing on page 55220 in the FEDERAL REGISTER of Friday, December 17, 1976, the first paragraph is amended to read as follows:

Notice of proposed additions to Procurement List 1977, November 18, 1976 (41 FR 50975) of the commodities and service listed below were published in the FEDERAL REGISTER on September 24, 1976 (41 FR 41943) and October 22, 1976 (41 FR 46641) respectively.

By the Committee.

C. W. FLETCHER,  
Executive Director.

[FR Doc.76-37850 Filed 12-23-76; 8:45 am]

### PROCUREMENT LIST 1977

#### Proposed Additions

Notice is hereby given pursuant to Section 2(a)(2) of Pub. L. 92-28; 85 Stat. 77, of the proposed additions of the following commodities and service to Procurement List 1977, November 18, 1976 (41 FR 50975).

#### Class 7230

Curtain, Shower, Plastic, 7230-00-849-9838, 7230-00-849-9839.

#### Class 7510

Binder, Looseleaf, Ring, 7510-00-984-5787, 7510-00-889-3494.

#### SIC 7349

Janitorial/Custodial Service, Federal Building, 201 Varick Street, New York, New York.

If the Committee approves the proposed additions, all entities of the Government will be required to procure the above commodities and service from workshops for the blind or other severely handicapped.

Comments and views regarding the proposed additions may be filed with the Committee on or before January 27, 1977. Communications should be addressed to the Executive Director, Committee for Purchase from the Blind and Other Severely Handicapped, 2009 Fourteenth Street North, Suite 610, Arlington, Virginia 22201.

struction of facilities at Tinker AFB. Adverse impacts associated with the beddown are related to the operational characteristics of the E-3A aircraft in terms of noise and engine emissions (399 pages). Comments made by: EPA, HEW, HUD, DOT, DOI and State and local agencies, concerned citizens. (ELR Order No. 61751.)

## ARMY CORPS

Contact: Dr. C. Grant Ash, Office of Environmental Policy Development, Attn: DAEN-CWR-P, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue, S.W., Washington, D.C. 20314, 202-693-6795.

## Draft

Poteau River Small Navigation Project, Ark., December 14: The proposed project consists of channel improvement and maintenance of the lower 1.7 miles of the Poteau River for navigation. Plans call for the addition of a turning basin, dredging, clearing and snagging, removal of abandoned structures (unused railroad bridge pier and water intake structure) in the waterway and widening the mouth. Adverse effects include possible increased water pollution because of increased barge traffic. Disturbance of the aquatic and terrestrial ecosystem by dredging and spoil disposal will also result (Tulsa District) (20 pages). (ELR Order No. 61741.)

## Final

Barbers Point Harbor, Oahu County, Hawaii, December 14: Proposed is the construction of a deep draft harbor at the authorized Barbers Point site, Oahu, Hawaii. The harbor would be excavated inland from the shore, creating a 94-acre basin which would accommodate presently used vessels as well as those expected to call at Oahu ports over the project life of 50 years. This proposed harbor will, in combination with Honolulu Harbor, provide port facilities to meet the Oahu waterborne commerce needs for the 50-year planning period. Adverse effects include the destruction of a least 5 cultural sites, removal of about 6-12 acres of land from cane production, and the adverse visual impact of the dredged material stockpile (130 pages). Comments made by: AHP, HEW, DOD, DOC, DOI, DOT, EPA, USN, HUD and State and local agencies, concerned groups and persons. (ELR Order No. 61742.)

Great South Bay Channel and Patchogue River, N.Y., December 14: Proposed is the maintenance dredging of the existing Federal navigation project in Great South Bay, the Patchogue River, and the Long Island Sound Intracoastal Waterway to their authorized dimensions. The work is to be performed by contract dredge with placing of dredged material on beaches generally below mean high water, or within the bays to produce new wetland areas. Marine biota will be impacted (New York District) (148 pages). Comments made by: EPA, DOI, HEW, USN, AHP, USDA, DOT, DOC and State and local agencies, concerned citizens. (ELR Order No. 61744.)

Brazos River Basin Lakes, O&M, several Counties, Tex., December 16: This statement reviews the environmental impacts of the operations, maintenance and management programs at 5 completed and operating reservoir projects: Whitney Lake, Waco Lake, Proctor Lake, Stillhouse Hollow Dam and Lake, and Somerville Lake, all in the Brazos River Basin, Texas. These programs include flood control, water conservation, power generation, and management of lands and waters for various forms of recreation. Adverse effects of the programs include the killing of terrestrial wildlife by the impoundment of floodwater, the damaging of grasses and trees

by prolonged storage of floodwater, and pressure due to heavy recreational use (Fort Worth District) (195 pages). Comments made by: EPA, FPC, USDA, HUD, DOC, HEW, DOI, DOT, AHP and State and local agencies, concerned citizens. (ELR Order No. 61753.)

## Supplement

Stockton Lake, Sac R., Downstream Flooding (S-1), Cedar County, Mo., December 14: Proposed is the acquisition of sloughing easements over 1,337 acres of land in the vicinity of Stockton Lake, Sac River, Missouri. The project includes construction of a channel cutoff, and limitation of hydropower releases for purposes of controlling downstream flooding damages. Construction of the cutoff would disrupt fish and wildlife habitat in Horseshoe Bend. Power releases would flood 250 acres of wildlife habitat and 385 acres of crop and pastureland would be flooded or isolated (Kansas City District) (142 pages). (ELR Order No. 61746.)

## FEDERAL ENERGY ADMINISTRATION

Contact: Mr. Robert Stern, Director, Office of Environmental Impact, Federal Energy Administration, New Post Office Building, Room 7119, 12th and Pennsylvania Avenue, N.W., Washington, D.C. 20461, 202-961-8621.

## Final

Strategic Petroleum Reserve, December 17: Proposed is the implementation of the Strategic Petroleum Reserve, Title I, Part B of the Energy Policy and Conservation Act of 1975. The purpose of the Reserve is to mitigate the economic impacts of any future interruptions of petroleum imports. One hundred fifty MMB of oil will be stored by 1978 in the Early Storage Reserve, and 500 MMB will be stored by 1982 under the full program. Oil will be stored underground in solution-mined salt cavities, conventional mines, or above ground in tanks. Potential adverse impacts include the degradation of surface water quality from construction runoff, increased dredging, and more frequent oil spills (685 pages). Comments made by: USDA, DOC, DOI, DLAB, TREA, EPA, NRC and TVA. (ELR Order No. 61761.)

Bayou Choctaw Salt Dome—SPR, Iberville County, La., December 17: Proposed is the implementation of the Strategic Petroleum Reserve (SPR, Title I, Part B of the Energy Policy and Conservation Act of 1975 through the development of a 99 million barrel crude oil storage facility at the Bayou Choctaw salt dome. The purpose of the SPR is to mitigate the economic impacts of any future interruptions of the petroleum imports. Under the initial phase of the SPR, referred to as the Early Storage Reserve (ESR), 150 million barrels of oil will be stored by 1978. This site-specific EIS analyzes the environmental impacts caused by site preparation and operation. Adverse effects include water quality degradation and the risk of oil spills. (486 pages). Comments made by: (ELR Order No. 61760.)

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Contact: Mr. Richard H. Broun, Director, Office of Environmental Quality, Room 7258, 451 7th Street, S.W., Washington, D.C. 20410, 202-755-6308.

## Draft

Oak Tower, Oak Park, Ill., Cook County, December 17: Proposed is the granting of FHA Mortgage Insurance for 44 residential units in a 37 story high rise structure on Lake Street and Forest Avenue in Oak Park, Illinois. The project is designed to meet the housing needs of the area, which has excellent mass transit and commercial facilities.

Adverse impacts are increased traffic on residential streets, and the potential stimulation of a trend of high intensity development (327 pages). (ELR Order No. 61754.)

## Final

Mel Lun Yuen Development, San Francisco, Calif., San Francisco County, December 14: Proposed is a project for the Mel Lun Redevelopment of the Chinatown Redevelopment area in San Francisco, California. The action calls for parcel redevelopment into an elderly highrise apartment building containing 140 units with 10,000 square feet retail commercial space at ground level; 35 family flats in four buildings; and a five-story commercial parking lot. The project is to be constructed in the Chinatown Urban Renewal Area portion of the block bounded by California, Powell, Sacramento, and Stockton Streets. Adverse effects include increases in air and noise pollution, and loss of open space (242 pages). Comments made by: EPA, HEW, AHP, DOI, VA, DOT, FPC, USDA, CSA, State and local agencies, and concerned citizens. (ELR Order No. 61748.)

## DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 7260, Department of the Interior, Washington, D.C. 20240, 202-343-3891.

## BUREAU OF OUTDOOR RECREATION

## Final

Lewis and Clark National Historic Trail, December 17: The statement concerns the legislative inclusion of the Lewis and Clark National Historic Trail in the National Trails System. The proposed action on the 3,700 mile route would require easement on 172 acres, resulting in restricted timber harvesting practices, and the development of recreation facilities along 21 components to accommodate increased use (300 pages). Comments made by: AHP, USDA, DOI, COE, HUD, DOT, EPA, FPC, State and local agencies, and concerned citizens. (ELR Order No. 61757.)

## BUREAU OF RECLAMATION

## Final

Oroville-Tonasket Unit Extension, Chief Jos. Dam, Okanogan, and Douglas Counties, Wash., December 14: Proposed is the replacement of the deteriorated irrigation system of the Oroville-Tonasket Irrigation District, Chief Joseph Dam Project, Washington, with a new buried pipe system. Pumping plants will be installed along the Similkameen and Okanogan Rivers and old facilities will be removed. An increase in streamflow over a 9-mile reach of the Similkameen River will occur with the abandonment of the irrigation district's present diversion structure. Adverse effects include the acquisition of 71.5 acres for project facilities. (99 pages). Comments made by: DOI, AHP, COE, USDA, HUD, DLAB, DOT, and concerned citizens. (ELR Order No. 61743.)

## GEOLOGICAL SURVEY

## Final

Crow Indian Ceded Area, Mining & Reclamation, Bighorn County, Mont., December 15: Proposed is a strip mining operation for coal at Westmoreland Resources Lease 1420-0252-4088, Crow Indian Ceded Area, Montana. The 20-year plan would authorize mining of 190.6 million tons of coal on a 2151-acre lease area known as Tract III. Coal ownership is by the Crow Tribe of Indians except for Sec. 36, which is owned by the State of Montana. Negative impacts include destruction of the existing land surface, vegetation, and all aquifers above the base of the

Robinson Coal, degradation of ground and surface water, and increases in noise and dust (728 pages) cultural use. (528 pages). Comments made by: EPA, AHP, USDA, 2COE, 2HEW, ICC, DOT, DOI, State and local agencies and concerned citizens. (ELR Order No. 61752.)

## DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Affairs, U.S. Department of Transportation, 400 7th Street, S.W., Washington, D.C. 20590, 202-426-4357.

## FEDERAL HIGHWAY ADMINISTRATION

## Draft

McCarran Blvd. (Ring Road), Reno & Sparks, Washoe County, Nev., December 14: The proposed project consists of the construction of the north and northwest lengths of McCarran Boulevard, also known as the Ring Road, which is planned to encompass the cities of Reno and Sparks, Nevada when completed. Each section will be designed as 4-lane divided major arterial. Total project length, excluding the completed section, is approximately 6.09 miles. Adverse effects include a permanent commitment of over 150 acres of land to highway purposes (120 pages). (ELR Order No. 61749.)

U.S. Highway 2, Minot East to Surrey, Ward County, N. Dak., December 14: The proposed project is located on U.S. Highway 2 from approximately 1 mile east of its junction with U.S. Highway 83 to approximately 1 mile east of Surrey, North Dakota. The project is approximately 9 miles in length, and consists of acquiring right-of-way and constructing a 4-lane facility utilizing the existing roadway as part of the 4-lane facility. Interchanges will be constructed at the junction of U.S. Highway 2 and 52 and at the intersection of the U.S. Highway 2 bypass and business loop in east Minot. Adverse effects include possible taking of park land at Surrey (Region 8) (45 pages). (ELR Order No. 61745.)

## Final

Iowa 415, Polk County, Iowa, December 17: Proposed is the construction of a part of Iowa 415 in Polk County from near Polk City to U.S. 69. The project begins approximately 1,600 feet southeast of the Corps of Engineers barrier dam near Polk City. It then extends in a southeasterly direction, crosses Rock Creek and proceeds easterly to the junction with U.S. 69. The project also includes construction of two short highway extensions. The total project length is 7.45 miles. Adverse effects include the acquisition of 248 acres and the displacement of five houses, one business, and two permanent mobile homes (Region 7) (169 pages). Comments made by: DOT, HEW, HUD, USDA, DOI, EPA, COE, USCG, State and local agencies, and concerned citizens. (ELR Order No. 61758.)

Freeway 561, Freeway 520-Iowa 386N, Dubuque County, Iowa, December 17: The proposed project consists of the construction of a freeway through the City of Dubuque, Iowa, and a proposed bridge traversing the Mississippi River. Freeway 561 begins at proposed Freeway 520 south of Dubuque and extends approximately 9.7 miles north to a junction with Iowa 386N and Iowa 3. The 3 sections of the project are Kerrigan Freeway, Couler Valley Freeway, and City Island Bridge (the Mississippi River Bridge alignment). The project will displace 450 housing units, many of which are occupied by low income families, and 140 businesses. A 4(f) statement is included for the one acre of Louis Murphy Park which will be impacted by the freeway (Region 7) (210 pages). Comments made by: USDA, DOI, HEW, USCG, COE, DOT, State and local agencies, and concerned citizens. (ELR Order No. 61759.)

U.S. 45, Mayfield, Graves County, Ky., December 14: The project involves the reconstruction of U.S. 45 from the Purchase Parkway to the Seventh and Eighth Street junction to a 4-lane curb and gutter section with a median wide enough to accommodate left turns. Also proposed is that Seventh and Eighth Sts. be made one-way between their junction and Walnut Street, and Water and Walnut Sts. be made one-way between Seventh and Eighth Streets. Project length is 1.25 miles. Adverse impacts are the displacement of 10 families and 5 businesses and increased noise levels (Region 4) (137 pages). Comments made by: DOI, EPA, TVA and State and local agencies, concerned citizens. (ELR Order No. 61747.)

USH 61, 151 and STH 35, Mississippi River to Dickeyville, Grant County, Wis., December 17: The statement contains alternative improvement proposals for an 8 mile segment of concurrent U.S.H. 61, 151 and S.T.H. 35 between the Mississippi River and Dickeyville, Wisconsin, which will subsequently connect to a new Mississippi River bridge. Any of the alternatives would result in the displacement of families and businesses and the expansion of urban growth. An additional 140 to 240 acres of land will be required for right-of-way (Region 5) (291 pages).

Comments made by: EPA, DOI, USCG, USDA and State and local agencies, concerned citizens. (ELR Order No. 61755.)

S.T.H. 59, Wis. Waukesha County, Wis., December 17: Proposed is a 9.5-mile improvement of S.T.H. 5 between the west Waukesha County Line and the northeast village limits of North Prairie, Wisconsin. The paved lane widths and shoulders are to be widened 12 ft. and 10 ft. respectively. Adverse impacts include disruption of the community, added pressure on public facilities, and increases in air and noise pollution. A 4(f) statement is included for the 12 acres of Kettle Moraine State Forest land which would be impacted (450 pages). Comments made by: HUD, DOI, EPA, USDA and State and local agencies, concerned citizens. (ELR Order No. 61756.)

## Supplement

City Blvd. and I-395, Baltimore (S-1) Baltimore County, Md., December 13: This supplement evaluates the environmental impact resulting from the construction of Alternative No. 6, as discussed in an EIS of December 1974, for the City Blvd. and I-395 in Baltimore City, Maryland. Under Alternative No. 6, the City Blvd. would extend from Eutaw St. in the north to Russell St. in the south, a distance of 1.6 miles. I-395 located between Sharp and Plum Sts. would extend from I-95 ramps in the vicinity of Ostend St. to the vicinity of Russell St. at the City Blvd. on the west and to Conway St. on the north. This alternative would impact several historic sites and the Hamburg St. Playground. A 4(f) statement is included (Region 3) (585 pages). (ELR Order No. 61740.)

## U.S. COAST GUARD

## Final

Loop Deepwater Port License, La., December 17: The proposed action consists of the granting of a license by the Secretary of Transportation to LOOP, Inc., to own, construct, and operate a deepwater port in the Gulf of Mexico approximately 18 miles off Grand Isle, Louisiana. Among the actions covered are designation of safety fairways, permits for facilities on navigable waters by the US Army Corps of Engineers, and new source determinations and national pollution discharge elimination permits by EPA. Adverse impacts include the disruptive effects of extensive pipeline construction through marine, marsh, swamp, and dry land environ-

ments (4 volumes). Comments made by: AHP, USDA, COE, DOC, EPA, FEA, HEW, HUD, DOI, ICC, DLAB and State and local agencies, concerned citizens. (ELR Order No. 61762.)

Seadock Deepwater Port License, Tex., December 17: The proposed action consists of the granting of a license by the Secretary of Transportation to Seadock, Inc., to own, construct, and operate a deepwater port in the Gulf of Mexico approximately 26 miles off Freeport, Texas. Among the actions covered are designation of safety fairways and permits for facilities in navigable waters by the US Army Corps of Engineers, and new source determinations and national pollution discharge elimination permits by EPA. Major adverse effects include possible oil spills in the area surrounding the deepwater port and the preemption of approximately 860 acres of land associated with the onshore facility for other potential uses (4 volumes). Comments made by: USDA, DOC, DOI, DLAB, STAT, DOT, TREA, EPA, FEA and COE. (ELR Order No. 61763.)

DAVID TUNDERMAN,  
Acting General Counsel.

[FR Doc.76-37756 Filed 12-23-76;8:45 am]

FEDERAL ENERGY  
ADMINISTRATION

## APCO OIL CORP.

## Consent Order

## I. INTRODUCTION

Pursuant to 10 CFR 205.197(c), the Federal Energy Administration, (FEA) hereby gives notice of a Consent Order which was executed between Apco Oil Corporation (APCO) and the FEA on November 8, 1976. In accordance with that Section, FEA will receive comments with respect to this Consent Order. Although this Consent Order has been signed and tentatively accepted by FEA, the FEA may, after consideration of comments received, withdraw its acceptance and, if appropriate, attempt to negotiate an alternative Consent Order.

## II. THE CONSENT ORDER

The Apco Oil Corporation, with its executive office located in Houston, Texas, is a firm engaged in the production, refining and marketing of petroleum products subject to FEA regulations.

FEA audited Apco's costs of crude oil reflected on its books and records for the period from October 1, 1973 through October 31, 1975. The audit disclosed that, in computing its maximum lawful selling prices, Apco had apparently treated approximately \$1.1 million in gains incurred pursuant to foreign-domestic crude oil exchanges and associated with the utilization of its fee free licenses as ordinary income, rather than as reductions in its crude costs. FEA maintained that this treatment contravened applicable regulatory requirements.

In resolution of the issues raised by the audit results, FEA and Apco executed a Consent Order on November 8, 1976, the significant terms of which are as follows:

(1) Apco agreed to reduce the crude oil costs reflected on its Form 96 for each month of measurement from October 1973 through October 1975 in which it accrued a gain in a foreign-domestic crude oil exchange in association with the use of its fee free licenses by the amount of the gain. In this regard, Apco agreed to submit amended Forms FEO-96 and P 110-M-1 for each month of measurement for which a reduction would be made or in which the effect of a reduction would be manifested.

(2) Apco agreed that should the reductions in its crude oil costs result in its having overrecovered increased product costs for two consecutive months of measurement, it would submit to FEA, for FEA's approval, a plan for repayment of such overrecovery together with appropriate interest.

(3) The provisions of 10 CFR 205.197, including the publication of this Notice, are applicable to the Consent Order.

### III. SUBMISSION OF WRITTEN COMMENTS

Interested persons are invited to comment on this Consent Order by submitting such comments in writing to Mr. D. M. Fowler, Regional Administrator, Region VI, Federal Energy Administration, P.O. Box 35228, Dallas, Texas, 75235.

Copies of this Consent Order may be received free of charge by written request to this same address or by calling (214) 749-7626.

Comments should be identified on the outside of the envelope and documents submitted with the designation "Comments on Apco Consent Order." All comments received on or before 1976, will be considered by the FEA in evaluating the Consent Order.

Any information or data which, in the opinion of the person furnishing it, is confidential, must be identified as such and submitted in accordance with the procedures outlined in 10 CFR 205.9(f).

Issued in Washington, D.C., December 20, 1976.

MICHAEL F. BUTLER,  
General Counsel.

[FR Doc. 76-37818 Filed 12-21-76; 12:13 pm]

### ISSUANCE OF DECISIONS AND ORDERS BY THE OFFICE OF EXCEPTIONS AND APPEALS

Week of October 4 Through  
October 8, 1976

Notice is hereby given that during the week of October 4 through October 8, 1976 the Decisions and Orders summarized below were issued with respect to Appeals and Applications for Exception or other relief filed with the Office of Exceptions and Appeals of the Federal Energy Administration. The following summary also contains a list of submissions which were dismissed by the Office of Exceptions and Appeals and the basis for the dismissal.

#### APPEALS

Atlantic Richfield Co.; Los Angeles, Calif.;  
FEA-0810; Motor Gasoline

The Atlantic Richfield Company (Arco) appealed from a Remedial Order which had

been issued to it by the Director of the Compliance Division of FEA Region IX. In the Remedial Order the FEA Regional Office found that during 1975 Arco charged the Ashland Oil Company of California (Ashland) and Digas Company (Digas) improperly high prices for the motor gasoline which it sold the two firms pursuant to Assignment Orders which the FEA had issued. The Remedial Order specifically held that Arco had improperly placed Ashland and Digas in an erroneous class of purchaser comprised of branded retail dealers instead of the "multistation, rebrand reseller-retailers" class of purchaser in which the firms should properly have been placed.

In considering the Appeal, the FEA rejected Arco's contention that FEA Ruling 1975-2 is not intended to be applied where a firm is assigned to furnish products to a customer which the firm did not supply on May 15, 1973 and would not ordinarily choose to supply. The FEA held that although the Ruling—which provides guidance for making class of purchaser determinations—does not specifically discuss the process of assigning new customers to an appropriate class of purchaser, the principles set forth in the Ruling are applicable to that procedure. The FEA also rejected Arco's contention that Ashland should be assigned to a newly established class of purchaser. The FEA observed that its Regulations do not permit a firm to establish new classes of purchaser for sales to new customers, but instead require a firm to maintain those classes which existed on May 15, 1973 and place new customers within one of those classes after determining which characteristics of a new customer most closely correspond to those of an already existing class of purchaser.

With respect to Ashland, the FEA held that the record in this matter contained adequate support for Region IX's findings. The FEA noted that Ashland shares several characteristics with the class of purchaser category to which the Region maintained Ashland should properly have been assigned. In view of these similarities and the fact that significant differences exist between Ashland and the Arco retail dealers, the FEA held that it was reasonable to conclude that Arco's assignment of Ashland to the retail dealer class of purchaser was improper and that Ashland should have been placed instead in the ex-Rocket distributor class of purchaser.

With respect to Digas, the FEA noted that Arco had submitted copies of invoices which indicated that Arco delivered motor gasoline directly to Digas retail outlets and consequently Arco's sales to Digas, unlike its sales to Ashland, shared one common element with sales to the retail dealers, *viz.* method of delivery. The FEA also observed that the manner in which the ex-Rocket distributors were described in the Remedial Order suggested that Region IX placed particular importance upon delivery terms as a distinguishing feature of that class of purchaser. Since it was unclear from the Remedial Order whether the Regional Office was aware of the fact that Digas received motor gasoline from Arco at its individual stations or the consideration which was given to that factor, the FEA held that the Remedial Order should be remanded for further consideration insofar as it pertains to Arco's sales to Digas.

Harold G. Hilderbrand; Schenectady, N.Y.;  
FEX-0088; Freedom of Information

On September 9, 1976, the Federal Energy Administration issued a Decision and Order to Harold G. Hilderbrand (Hilderbrand) in which it found that an Appeal which Hilderbrand purported to file from a previous FEA determination was defective. Harold G. Hilderbrand, 4 FEA Par. 80,532 (September 9, 1976). According to the September 9 Decision, the Hilderbrand submission failed to delineate the basis of the Appeal, or to specify

the errors, if any, which appeared in the initial FEA order. Consequently, the Hilderbrand Appeal was dismissed. On September 27, Hilderbrand filed a new document in which he reiterated his desire to obtain certain information which he sought in a Request for Information which had been denied by the FEA Information Access Officer. However, Hilderbrand's new submission failed to correct the procedural deficiencies which were noted in the September 9, 1976 Decision and Order. Consequently the Appeal, as amended by the new submission, was denied. *McCulloch Gas Processing Corp.; Washington, D.C.; FEA-0874 through FEA-0881; Natural Gas Liquids Products*

The McCulloch Gas Processing Corporation (MGPC) filed Appeals from a Decision and Order which the FEA issued to it on June 29, 1976. In that Decision MGPC was granted exception relief which permitted seven of its natural gas processing plants to increase their selling prices to reflect certain non-product cost increases incurred since May 15, 1973 which exceed the one-half cent per gallon limitation specified in Section 212.165 of the FEA Regulations. McCulloch Gas Processing Corp., 3 FEA Par. 83,258 (June 29, 1976). MGPC's Appeal would, if granted, increase the amount of exception relief which had been approved in the June 29 determination. In its Appeal, MGPC claimed that the FEA should have considered MGPC's amortization expenses to be non-product costs in the analysis of its exception application. In the Appeal proceeding, the MGPC contention was rejected. The FEA held that the firm's amortization expenses were in fact repayments for borrowed funds and were therefore capital transactions which did not satisfy the definition of non-product costs as that term is used in 10 CFR 212.83(c)(2)(E). The FEA further held that, contrary to MGPC's claim, the exception relief approved with respect to the Jamison Prong plant was correctly calculated on the basis of production and sales volumes at that plant during the fourth quarter of 1975 rather than by using data for the first quarter of 1976. The FEA found that it was proper and consistent with prior Decisions to use the earlier quarter, because major repairs which had been conducted in that plant during the first quarter of 1976 significantly reduced production during the period. As a result the fiscal quarter was not representative of that plant's normal production. In view of these considerations, MGPC's Appeals were denied.

Sid Richardson Carbon and Gasoline Co.;  
Fort Worth, Tex.; FEA-0906; Natural  
Gas Liquids

Sid Richardson Carbon and Gasoline Company (Sid Richardson) filed an Appeal from a Decision and Order which the FEA had issued to the firm on April 23, 1976. Sid Richardson Carbon and Gasoline Company, 3 FEA Par. 83,170 (April 23, 1976). The April 23 Order granted Sid Richardson exception relief which permitted it to increase its selling prices for the natural gas liquids produced at its Keystone plant to reflect non-product cost increases in excess of the \$0.05 cent per gallon permitted under Section 212.165 of the FEA Regulations. The Appeal, if granted, would retroactively increase the exception relief so as to permit the firm to pass through additional non-product cost increases applicable to the period April 23 through August 31, 1976. In considering Sid Richardson's submission, the FEA noted that no showing had been made that the prior relief had been incorrectly calculated on the basis of the data which the firm had originally submitted. Although the Sid Richardson appeal contained revised data, the FEA held that the firm was not entitled to retroactive exception relief when

the original determination had properly been based on material which the firm had itself furnished. Accordingly, the Appeal was denied.

#### REQUESTS FOR EXCEPTION

*Central Hill Unit; Campbell County, Wyo.; FEE-2373; Crude Oil*

The working interest owners of the Central Hill Unit located in the Powder River Basin of eastern Wyoming filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D which would permit the firm to sell the crude oil which it produces from the Central Hill Unit at upper tier ceiling prices. According to the Central Hill Unit submission the firm would find it economically feasible to make certain capital investments which would expand the productive life of the Unit and enhance crude oil production only if it were permitted to charge upper tier prices for the crude oil which it recovered. On the basis of previous precedents the FEA determined that exception relief should be granted to Central Hill Unit so as to provide the firm a sufficient economic incentive to undertake the project while at the same time avoiding the possibility that windfall profits would result. The FEA concluded that in this particular case these objectives would be achieved if Central Hill Unit were permitted to sell at upper tier ceiling prices for the benefit of the working interest owners the first 643,419 barrels of crude oil produced and sold as a result of the fuel conversion project, the first 213,828 barrels of crude oil produced and sold as a result of submersible pump installations, injection well conversions, and infill drilling project, and the first 1,090,144 barrels of crude oil produced and sold as a result of a polymer waterflood project. Accordingly, exception relief was granted to Central Hill Unit to accomplish these objectives.

*Coastal States Gas Corp., Houston, Tex.; FEE-2572*

*The Standard Oil Co., Cleveland, Ohio; FEE-2705; Residual Fuel Oil*

Coastal States Gas Corporation filed an Application for Exception from the provisions of 10 CFR 212.67(d)(4) (the Old Oil Entitlements Program). Subsequently, The Standard Oil Company (Sohio) filed a similar Application for Exception. Since both applications involved similar issues of law and fact, the two submissions were consolidated in a single proceeding. The exception requests, if granted, would permit the firms to calculate their entitlement benefits without making the adjustments required by the Regulations for crude oil runs to stills which are attributable to residual fuel oil produced by the firms for sale into the East Coast market. In addition, both firms would also be permitted to recalculate retroactive to April 1, 1976 their position under the Entitlements Program without regard to the provisions of Section 211.67(d)(4). In considering the exception requests submitted by Coastal States and Sohio, the FEA determined that although the provisions of Section 211.67(d)(4) do reduce the benefits the firms previously enjoyed under the Entitlements Program, each of the firms is still realizing a net benefit from the Entitlements Program which enhances its profitability and competitive position. Moreover, neither firm demonstrated that its overall operations was impeded or that its financial position was affected by the application of Section 211.67(d)(4) to such an extent that exception relief was warranted. The Applications for Exception were accordingly denied.

*Great Southern Oil and Gas Co., Inc.; Lafayette, La.; FEE-2957; Crude Oil.*

Great Southern Oil and Gas Co., Inc. (Great Southern) filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D which, if granted, would permit the firm to sell at upper tier ceiling prices the crude oil produced from the Castille No. 1 Well. Crude oil production at the Castille No. 1 Well ceased on August 8, 1976 and cannot be resumed unless Great Southern purchases and installs new pumping equipment. In its exception application, Great Southern contended that it does not have an economic incentive to make the investment necessary to restore crude oil production from the property at the lower tier ceiling price it will receive for the crude oil. In considering Great Southern's Application for Exception, the FEA determined that under current FEA regulations, the crude oil produced from the Castille No. 1 Well must be sold at lower tier ceiling prices. The FEA also found that the pumping equipment which Great Southern plans to install is reusable and marketable, and will have a depreciated value of 90.19 percent of its original value after one year of operation. As a result, even in the absence of exception relief, the proposed investment will generate an internal rate of return in excess of 15 percent during its first year of operation, when the depreciated value of the equipment is taken into consideration. Based upon the precedents established by the FEA in several recent cases involving similar circumstances, the FEA determined that a 15 percent internal rate of return should provide Great Southern with an adequate economic incentive to make the proposed investment. Accordingly, the exception request was denied.

*Gulf Oil Corp., Tulsa, Okla.; FEE-3179 through FEE-3193; Natural Gas Liquid Products.*

Gulf Oil Corporation (Gulf) filed 15 Applications for Exception from the provisions of 10 CFR 212.165, which if granted would permit Gulf to increase the amount of non-product costs which it includes in the prices of natural gas liquid products produced at certain of its natural gas processing plants. In those applications, Gulf requested that the exception relief previously granted to the firm on September 14 and 17, 1976 be extended for an additional period of time. Gulf Oil Corp., 4 FEA Par. 83,093 (September 17, 1976); Gulf Oil Corp., 4 FEA Par. 83,092 (September 14, 1976). In considering Gulf's requests, the FEA determined that the firm had experienced non-product cost increases during the second quarter of 1976 at 13 of the 15 gas plants which substantially exceeded the \$.005 per gallon pass-through permitted under the provisions of Section 212.165. Based on the criteria set forth in Superior Oil Co., 2 FEA Par. 83,271 (August 29, 1975) and other previous Decisions, the FEA determined that exception relief for each of the 13 gas plants was warranted. The FEA therefore granted relief to Gulf's Bluebell, Saunders, Vada and Waddell gas plants for the period October 16, 1976 through March 31, 1977, as well as to its Adena, Camrick, Kalkaska, Pledger, and Souther Fullerton plants for the period October 18, 1976 through March 31, 1977. With respect to the Azalea, Knox, Millray and Sand Hills gas plants, the FEA found that the adjusted non-product cost increases which Gulf experienced at those plants were unusually high and therefore determined that relief should be granted only for the period October 1, 1976 through December 31, 1976 in order to permit a further evaluation of the cost increases incurred at those plants. However,

the FEA denied exception relief for the Delhi and Enville plants on the grounds that the adjusted non-product unit cost increases experienced at those plants amounted to less than \$.005 per gallon and were therefore not material for the purposes of the exceptions process under the standards established in previous FEA Decisions.

*James M. Cunningham, Inc.; Lafayette, La.; FEE-2773; Crude Oil.*

James M. Cunningham, Inc. (JMC) filed an Application for Exception from the provisions of 10 CFR 212.73, which if granted, would permit JMC to sell the crude oil produced from the Julia Richard No. 1 well located in Acadia Parish, Louisiana, at upper tier ceiling prices. In its Application, JMC requested that the exception relief previously granted to the firm on April 30, 1976 be extended for an additional period of time. James M. Cunningham, Inc., 3 FEA Par. 83,176 (April 30, 1976). In considering JMC's request, the FEA determined that JMC has made a showing that a continuation of exception relief was warranted to prevent the loss of substantial amounts of crude oil production from the Julia Richard well. Based on the analysis of the specific financial and operating data which JMC submitted, the FEA determined that JMC should be permitted to sell at upper tier ceiling prices 56.1708 percent of the crude oil produced and sold for the benefit of the working interest owners for a period of six months.

*Rancho Oil Co., Dallas, Tex.; FEE-2782; Crude Oil.*

Rancho Oil Company filed an Application for Exception from the provisions of 10 CFR 212, Subpart D. The exception request, if granted, would permit Rancho to receive upper tier ceiling prices for the crude oil it produced and sold from the Moyer and Prideaux Leases (the Leases) during the month of February 1976. In its exception application, Rancho stated that it failed to certify the Leases as stripper well properties in a timely manner as required by Section 212.31. As a result, Rancho was not able to receive upper tier prices for the crude oil which it produced from the Leases during February 1976. In considering Rancho's Application, the FEA noted that all crude oil producers are subject to the certification requirements set forth in Section 212.131, and Rancho presented no evidence which would indicate that the manner in which these requirements apply to Rancho is discriminatory or inequitable. The FEA further determined that Rancho had also failed to submit any material which indicates that the firm will experience a serious financial hardship as a result of its loss of the additional crude oil sales revenues in February. Moreover, retroactive exception relief of the type Rancho requests is generally inappropriate unless the firm demonstrates that it would otherwise experience a severe and irreparable injury, and Rancho had failed to make this showing. Consequently, the firm's Application was denied.

*Richard S. Anderson, Inc.; Midland, Tex.; FEE-2488; Crude Oil.*

Richard S. Anderson, Incorporated (Anderson) filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D, which, if granted, would permit Anderson to retain certain revenues which the firm realized by selling at unlawful price levels crude oil produced from the "C" tract of the Post Montgomery Lease during the period October 1974 through December 1975. Similar exception relief was requested for the crude oil which Anderson sold from the "E" tract of the Post Montgomery Lease during the period June through December 1975. In con-

sidering the exception application, the FEA observed that despite Anderson's claims regarding the ambiguity of the term "property" as used in the FEA regulations, the firm had apparently failed to take timely action to obtain a clarification of the regulation provisions involved. Furthermore, Anderson had not demonstrated that in the absence of retroactive exception relief it would incur an irreparable injury. The FEA also found that Anderson had failed to substantiate its contention that it could not recover a pro-rata share of the overcharges involved from the royalty owners and the other working interest owners. The Anderson Application for Exception was therefore denied.

*University of Oklahoma; Norman, Okla.; FEE-2704; Aviation Gasoline.*

The University of Oklahoma filed an Application for Exception from the provisions of 10 CFR, Part 211, which if granted, would result in the issuance of an Order increasing its base period use of aviation gasoline at the Max Westheimer Field from 95,000 gallons per year to 235,000 gallons per year. In considering the University's application, the FEA determined that the University had failed to demonstrate that it satisfied the criteria specified in previous Decisions such as Fairview Flying Service, 3 FEA Par. 83,213 (June 11, 1976) for the approval of exception relief on gross inequity grounds. The FEA found that the University had failed to show that there had been a substantial increased demand for aviation gasoline at the Field which was attributable to increased aviation operations. Moreover, the FEA noted that the University's base period supplier had recently allocated an additional 126,420 gallons of aviation gasoline for priority end-users at the Field pursuant to Sections 211.143(b) and 211.143(c) of the FEA Allocation Regulations. In addition, the FEA also determined that the University had failed to substantiate its allegation that it would incur a serious financial hardship in the absence of the requested relief. The exception request was accordingly denied.

#### SUPPLEMENTAL ORDERS

*J & W Refining, Inc.; Tucker, Tex.; FEX-0090; Crude Oil.*

On August 13, 1976, the Federal Energy Administration issued a Decision and Order to J & W Refining, Inc. (J & W) which granted the firm an exception from the provisions of 10 CFR 211.67 (the Old Oil Entitlements Program) and thereby relieved J & W of its obligation to purchase entitlements during the period August 1976 through March 1977. J & W Ref., Inc., 4 FEA Par. 83,042 (August 13, 1976). Under the terms of the August 13 Order, J & W was also issued additional entitlements to sell in August to enable the firm to obtain revenues equivalent in value to the entitlements which it was required to purchase during the month of June. Subsequent to the issuance of the August 13 Order, the Office of Regulatory Programs advised, the Office of Exceptions and Appeals that J & W had not been required to purchase entitlements in June. The FEA therefore determined that J & W should not have been issued the additional entitlements in August. Consequently, the FEA issued a Supplemental Order which modified the August 13 Order to provide that J & W may be required to purchase entitlements to correct for the excess revenues which it received.

*Mid-Michigan Truck Service, Inc.; Grand Rapids, Mich.; FEX-0087; Motor Gasoline.*

On July 1, 1976, the Federal Energy Administration issued a Supplemental Order to

Mid-Michigan Truck Service, Inc. (Mid-Michigan) which approved an extension of the exception relief which had been previously granted the firm on May 20, 1976. Mid-Michigan Truck Service, Inc., 3 FEA Par. 83,100 (July 1, 1976) and 3 FEA Par. 83,197 (May 20, 1976). As a result of the July 1 determination, during the period July through September 1976, the Gulf Oil Corporation (Gulf) was ordered to supply Mid-Michigan with its base period use of petroleum products directly, rather than through a substitute supplier. In the Order which was issued in the proceeding, the Regional Administrator of the FEA Region V was directed to make a further determination for any month subsequent to September as to whether Mid-Michigan was continuing or would continue to experience a serious hardship unless it received additional exception relief and to then make a recommendation to the FEA Office of Exceptions and Appeals as to whether exception relief should be extended. Based on the data submitted by Mid-Michigan and the recommendation of the Regional Administrator, the FEA determined that Mid-Michigan would continue to experience a serious hardship and exception relief was therefore extended through December 31, 1976.

#### DISMISSALS

The following submissions were dismissed following a statement by the applicant indicating that the relief requested was no longer needed:

*Ed English Station; Granby, Mo.; FEE-2787. Inexco Oil Co.; Houston, Tex.; FEE-3104.*

The following submission was dismissed for failure to correct deficiencies in the firm's filing as required by the FEA Procedural Regulations:

*Harold H. Kindel; Beckley, W.Va.; FEE-3050.*

The following submission was dismissed after the applicant repeatedly failed to respond to requests for additional information:

*Charles F. Haas; Corpus Christi, Tex.; FEE-2719.*

The following submission was dismissed on the grounds that alternative regulatory procedures existed under which relief might be obtained:

*Granger Oil Co., Inc.; Cleveland Park, Kans.; FEE-2584.*

The following submissions were dismissed on the grounds that the requests were now moot:

*Guam Oil and Refining Co.; Washington, D.C.; FEE-2696.*

*McDonnell Douglas Corp.; St. Louis, Mo.; FEE-2687.*

#### TEMPORARY STAY

The following Application for Temporary Stay was granted on the grounds that the applicant had made a compelling showing that temporary stay relief was necessary to prevent an irreparable injury:

*Braden-Zenith, Inc.; Wichita, Kans.; FST-0015.*

Copies of the full text of these Decisions and Orders are available in the Public Docket Room of the Office of Private Grievances and Redress, Room B-120, 2000 M Street, N.W., Washington, D.C. 20461, Monday through Friday, between the hours of 1 p.m. and 5 p.m., e.s.t., except Federal holidays. They are also available in Energy Management;

Federal Energy Guidelines, a commercially published loose leaf reporter system.

MICHAEL F. BUTLER,  
General Counsel.

DECEMBER 20, 1976.

[FR Doc.76-37819 Filed 12-21-76;12:13 am]

#### CONSUMER AFFAIRS/SPECIAL IMPACT ADVISORY COMMITTEE

##### Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given that the Consumer Affairs/Special Impact Advisory Committee will meet Friday, January 14, 1977, at 9 a.m., Room 5041, FEA Headquarters, 12th & Pennsylvania Avenue, N.W., Washington, D.C.

The purpose of the Committee is to provide the Federal Energy Administration with advice concerning the impact of FEA policies and programs on consumers and special impact groups.

The agenda for the meeting is as follows:

1. Old Business—Discussion of CA/SI Advisory Committee Recommendations and Requests and FEA Commitments from the November 19 Meeting.
2. Subcommittee Reports.
3. Pending Policy Issues.
4. Discussion and Development of Recommendations on National Energy Policy.
5. Discussion and Development of Recommendations on Other Priorities Adopted by the CA/SI Advisory Committee.
6. Items for Discussion at the Next Meeting.
7. Public Comment.

The meeting is open to the public. The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform Lois Weeks, Director, Advisory Committee Management (202) 566-7022, at least 5 days prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Further information concerning this meeting may be obtained from the Advisory Committee Management Office.

Minutes of the meeting will be made available for public inspection and copying in the Freedom of Information Office, Room 2107, Federal Energy Administration, 12th and Pennsylvania Avenue, N.W., Washington, D.C.

Issued at Washington, D.C. on December 21, 1976.

MICHAEL F. BUTLER,  
General Counsel.

[FR Doc.76-37933 Filed 12-21-76;4:56 pm]

**CONSUMER AFFAIRS/SPECIAL IMPACT  
ADVISORY COMMITTEE SUBCOMMITTEE**

**Meeting**

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given that the subcommittees of the Consumer Affairs/Special Impact Advisory Committee will meet Thursday, January 13, 1977, at the location and time indicated below.

The objective of the subcommittees is to make recommendations to the parent Committee with respect to matters concerning consumer aspects of FEA policies and programs.

The agenda and schedule of meetings is as follows:

Energy Consumption Problems and Utilities Subcommittee, Room 2105, 2000 M Street, NW., Washington, D.C., 9:00 a.m. Agenda: Natural Gas Energy Conservation Policy Proposal.

Transportation Programs Subcommittee, Room 7204, 2000 M Street, NW., Washington, D.C., 9:00 a.m. Agenda: Transportation and Distribution of Alaskan North Slope Crude Oil; Data on Energy Consumption with Respect to Transportation.

Energy Efficiency Standards Conservation and Ecology, Room 2105, 2000 M Street, NW., Washington, D.C., 9 a.m. Agenda: Appliance Efficiency Labeling Program—Consumer Education; Energy and Economic Impacts of Mandatory Beverage Container Deposits; Natural Gas Energy Conservation Policy Proposal.

Consumer Representation Subcommittee, Room 2105, 2000 M Street, NW., Washington, D.C., 1 p.m. Agenda: Federal Energy Reorganization and Consumer Representation.

Energy Legislation and Regulations Subcommittee, Room 2105, 2000 M Street, NW., Washington, D.C., 1 p.m. Agenda: Federal Energy Reorganization; Gasoline Decontrol; Strategic Petroleum Reserve Plan.

Energy Consumption and the Disadvantaged Subcommittee, Room 7204, 2000 M Street, NW., Washington, D.C., 1 p.m. Agenda: Pre-publication Draft of the Regulations for the Weatherization Program; Emergency Assistance Programs for Winter 1976-1977; Energy Problems of the Handicapped.

The subcommittee meetings are open to the public. The Chairman of each subcommittee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with a subcommittee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform Lois Weeks, Director, Advisory Committee Management (202) 566-7022, at least 5 days prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Further information concerning these meetings may be obtained from the Advisory Committee Management Office.

Minutes of the meetings will be made available for public inspection in the Freedom of Information Office, Room 2107, Federal Energy Administration, 12th and Pennsylvania Avenue, NW., Washington, D.C.

Issued at Washington, D.C. on December 20, 1976.

**MICHAEL F. BUTLER,**  
*General Counsel.*

[FR Doc.76-37934 Filed 12-21-76;4:56 pm]

**Industrial Energy Conservation**

**IDENTIFICATION OF CORPORATIONS REQUIRED TO FILE INFORMATION REGARDING ENERGY CONSUMPTION**

*Correction*

In FR Doc. 76-36920, appearing at page 54977 in the issue for Thursday, December 16, 1976, the date in the ninth line of the second paragraph on page 54978 should read, "December 27, 1976."

**FEDERAL COMMUNICATIONS  
COMMISSION**

[Report No. I-303]

**COMMON CARRIER SERVICES  
INFORMATION**

**International and Satellite Radio  
Applications Accepted for Filing**

DECEMBER 20, 1976.

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**

52-DSE-AL-77, Consent to assignment of license of domestic satellite Receive-only earth station WB66, from Eastern Shore CATV, Inc. to Eastern Shore Cable Television, Inc. granted December 14, 1976.

11-DSE-ML-77, RCA American Communications, Inc. (KD26), Edwards Air Force Base, Calif. For authority to modify license to make technical changes to transmit facilities and to construct and operate receive facilities at this location. Rec. freq: 3700-3720, 3760-3800, 3840-3880, 3920-3960, 4000-4060, 4080-4140 and 4160-42 MHz; transmit freq: 5925-5959, 6020-6070, 6139-6182, 6213-6300 and 6339-6425 mHz.

SSA-3-77, Hughes Aircraft Systems International, Guam. Request an extension for one year to operate a transportable earth station on the island of Guam.

54-DSE-ML-77, Teleprompter Corporation (KB58), Galveston, Tex. Modification of license to permit the reception of signals of Channel 17, Station WTCG-TV, Atlanta, Ga.

58-DSE-ML-77, Teleprompter Corporation (WB58), Mobile, Ala. Modification of license to permit the reception of signals of Channel 17, Station WTCG-TV, Atlanta, Ga.

59-DSE-ML-77, Teleprompter Corporation (WB69), Superior, Wis. Modification of license to permit the reception of signals of Channel 17, Station WTCG-TV, Atlanta, Ga.

57-DSE-P-77, Television Transmission Company, Peru, Ill. For authority to construct, own and operate a domestic communications satellite Receive-Only earth station at this location. Lat. 41°20'34", Long. 89°06'42". Rec. freq: 3700-4200 GHz. Emission 34000F9. With a 10 meter antenna.

[FR Doc.76-37836 Filed 12-23-76;8:45 am]

[Report No. 837]

**COMMON CARRIER SERVICES  
INFORMATION**

**Applications Accepted for Filing**

DECEMBER 20, 1976.

The applications listed herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any of these applications, if upon further examination, it is determined they are defective and not in conformance with the Commission's Rules and Regulations or its policies.

Final action will not be taken on any of these applications earlier than 31 days following the date of this notice, except for radio applications not requiring a 30 day notice period (See Section 309(c) of the Communications Act), applications filed under Part 68, applications filed under Part 63 relative to small projects, or as otherwise noted. Unless specified to the contrary, comments or petitions may be filed concerning radio and section 214 applications within 30 days of the date of this notice and within 20 days for Part 68 applications.

In order for an application filed under Part 21 of the Commission's Rules (Domestic Public Radio Services) to be considered mutually exclusive with any other such application appearing herein, it must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which the subsequent application is in conflict) as having been accepted for filing. In common carrier radio services other than those listed under Part 21, the cut-off date for filing a mutually exclusive application is the close of business one business day preceding the day on which the previously filed application is designated for hearing. With limited exceptions, an application which is subsequently amended by a major change will be considered as a newly filed application for purposes of the cut-off rule. [See § 1.227(b) (3) and 21.30(b) of the Commission's Rules.]

**FEDERAL COMMUNICATIONS  
COMMISSION.**

**VINCENT J. MULLINS,**  
*Secretary.*

**DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE**

20347-CD-P-77 Havre Answering Service (KUD209) C. P. to change antenna system operating on 152.21 MHz at Loc. No. 2: Centennial Mountain, 12.8 mi. ENE of Big Sandy, Montana.

20348-CD-P-77 Radio Relay Corp.—New Jersey (KEC935) C. P. for additional facilities to operate on 35.58 MHz at a new Loc. No. 5: 34th Street and 7th Avenue, New York, New York.

20349-CD-AL-77 Band Communications, Inc. Consent to Assignment of License from Band Communications, Inc., assignor to David T. Sellers d/b/a Town & Country Communications, assignee. Station: KUS-318, Texarkana, Texas.

20350-CD-MP-77 Tri-State Radio Corp. of Pennsylvania, Inc. (KGC222) C. P. to change antenna system and replace transmitter operating on 454.150 MHz at Loc. No. 1: 75 yards East of TV Station WTPA, Top of Blue Mtn., Pennsylvania.

20351-CD-P-(2)-77 Electropage, Inc. (KMD-986) C. P. for additional facilities to operate on 43.22 & 43.58 MHz at a new Loc. No. 2: 7996 California Avenue, Fair Oak, California.

20352-CD-MP-(4)-77 San Juan Radiotelephone Corporation (WWA311) C. P. to relocate facilities and change antenna system operating on 454.050, 454.100, 454.200 and 454.250 MHz at Loc. No. 4: Atop El Yunque Peak, Puerto Rico.

20353-CD-P-(2)-77 San Juan Radiotelephone Corporation (KQZ767) C. P. to change antenna system, replace transmitter and relocate facilities operating on 152.24 MHz and for additional facilities to operate on 158.70 MHz at Loc. No. 2: El Yunque Peak, Puerto Rico.

20354-CD-P-77 Answer Exchange, Inc. (new) C. P. for a new 1-way station to operate on 158.70 MHz to be located 1 mi. E. of Clute, Texas.

20355-OD-P-77 Baker Protective Services, Inc. (KIA956) C. P. to relocate facilities and change antenna system operating on 152.15 MHz to be located at 2333 Brickell Avenue, Miami, Florida.

20356-CD-P-(2)-77 Aersignal International of Philadelphia, Pennsylvania, Inc. C. P. to change antenna system operating on 35.22 MHz at Loc. No. 4: 4860 Magnolia Avenue, Trevoise Heights; and same facilities at Loc. No. 5: 251 W. Dekalb Pike, Bldg. F, Henderson Park, Pennsylvania.

20357-CD-P-(2)-77 Tony H. Scamardo d/b/a Industrial Electronics (KWU336) C. P. for additional facilities to operate on 454.250 MHz, Control at a new Loc. No. 2: 808 West 25th Street, Bryan, Texas; and 459.250 MHz, Repeater at a new Loc. No. 3: Rt. 290, 2 miles West of Brenham, Texas.

20358-CD-P-77 Pierre Radio Paging and Telephone Corp. (KWT855) C. P. to change frequency from 152.15 MHz to 152.03 MHz located 2.8 miles North of Butte, Pierre, South Dakota.

20359-CD-P-77 Tony H. Scamardo d/b/a Industrial Electronics (new) C. P. for a new station to operate on 152.21 MHz to be located at 2614 Maloney Street, Bryan, Texas.

20360-CD-77 Radio Relay New York Corp. (KEC745) C. P. for additional facilities to operate on 43.22 MHz at a new Loc. No. 12: 2.4 miles NE of Peekskill City Limits, Phillipstown, New York.

20361-CD-MP-(3)-77 Vegas Instant Page (KWU408) C. P. to relocate facilities, change antenna system and replace transmitter operating on 454.025, 454.050 and 454.125 MHz to be located at 300 South 4th Street, Las Vegas, Nevada.

#### Correction

20271-CD-P-77 Radio Broadcasting Company (new) (Developmental) correct PN entry to add facilities operating on 459.675 MHz to be located at Paoli Avenue, Roxborough Antenna Farm, Philadelphia, Pennsylvania. All other particulars are to remain as reported on PN No. 834 dated November 29, 1976.

#### Major Amendment

20231-CD-P-77 Radio Comm., Inc., Columbus, Indiana (new) amend base frequency 152.21 MHz to read 152.12 MHz and change mobile frequency 158.67 MHz to 158.58 MHz. All other particulars are to remain the same as reported on PN No. 832, dated November 22, 1976.

#### POINT TO POINT MICROWAVE RADIO SERVICE

570-CF-P-77 The Chesapeake and Potomac Telephone Company of Maryland (WAD24) 320 St Paul Place Baltimore, Maryland Lat. 39°17'35" N., Long. 76°36'53" W., C.P. for a new station on frequencies 11585.0H 11425.0V MHz toward Armiger, Maryland on azimuth 159.4 degrees.

602-CF-P-77 New Jersey Bell Telephone Company (KYS27) 18 Paterson St., New Brunswick, New Jersey Lat. 40°29'40" N., Long. 74°26'37" W., C.P. to add a new point communication on frequencies 10735V 10735H 10815V 10815H 10895V MHz toward Jamesburg, New Jersey on azimuth 168.0 degrees; replace and move antenna on frequencies 6108.3H 5989.7H 10955V 11115V MHz toward Sayreville, New Jersey.

603-CF-P-77 Same (new) Jamesburg N/N Spotsud Gravel Hill Rd Monroe Twp, New Jersey Lat. 40°21'31" N., Long. 74°24'21" W., C.P. for a new station on frequencies 11425H 11425V 11505H 11505V 11585V MHz toward New Brunswick, N.J. on azimuth 348.0 degrees and 11425H 11425V 11505H 11505V 11585V MHz toward Freehold, N.J. on azimuth 140.8 degrees.

604-CF-P-77 Same (new) Freehold 175 W. Main St. Freehold Twp, New Jersey Lat. 40°15'03" N., Long. 74°17'28" W., C.P. for a new station on frequencies 10735V 10735H 10815V 10815H 10895V MHz toward Jamesburg, N.J. on azimuth 320.9 degrees.

609-CF-P-77 South Central Bell Telephone Company (KLK84) 530 South Buchanan St. Lafayette, Louisiana Lat. 30°13'32" N., Long. 92°01'10" W., C.P. to add frequencies 3790.0H MHz toward Opelousas, Louisiana.

610-CF-P-77 Same (KLK85) 251 West North Street Opelousas, Louisiana Lat. 30°32'07" N., Long. 92°05'04" W., C.P. to add frequencies 3830.0H MHz toward Lafayette and 3830.0V MHz Lebeau, La.; replace antenna on frequencies 3770.0H MHz toward Lebeau, La.

611-CF-P-77 Same (KLK86) 3 miles South Lebeau, Louisiana Lat. 30°41'11" N., Long. 91°59'22" W., C.P. to add frequencies 3790.0V toward Opelousas, La. and 3770.0H Cheneyville, La.; replace antenna on frequencies 3750 MHz toward Cheneyville and 3970.0V MHz toward Opelousas, La.

612-CF-P-77 Same (KLM90) 1 mile NW Cheneyville, Louisiana Lat. 31°01'15" N., Long. 92°18'37" W., C.P. to add 3730.0H MHz toward Lebeau, La., 3730.0V MHz toward Alexandria, La. and replace antenna on frequencies 4030.0V MHz toward Lebeau, La.

613-CF-P-77 Same (KLM91) 825 Murray Street, Alexandria, Louisiana Lat. 31°18'28" N., Long. 92°26'52" W., C.P. to add frequencies 3770.0V MHz toward Cheneyville, La. 3930.0H MHz toward Flatwoods and replace antenna on freq. 4010.0H 6345.5H MHz toward Flatwoods.

614-CF-P-77 Same (KLW23) 0.1 miles WNW Flatwoods, La. Lat. 31°24'13" N., Long. 92°52'12" W., C.P. to add frequencies 3970.0H MHz toward Alexandria, La., 3890.0H MHz toward Natchitoches, La.; replace antenna on frequencies 3730.0H 6226.9H MHz toward Alexandria, La. 3970.0H MHz toward Natchitoches, La. and 6093.5H Slagle, La.

615-CF-P-77 South Central Bell Telephone Company (KLW24) Toulaine and Fourth St. Natchitoches, Louisiana Lat. 31°45'37" N., Long. 93°05'26" W., C.P. to add frequencies 4010.0H MHz toward Flatwoods, La. and 3930.0H Martin, La.; replace antenna on frequency 3770.0H MHz toward Flatwoods.

616-CF-P-77 Same (KLW26) 0.5 mile South of Martin, Louisiana Lat. 32°04'28" N., Long. 93°13'12" W., C.P. to add frequencies 3970.0H MHz toward Natchitoches, La. 3890.0V MHz toward Ringgold, La.; replace antenna on frequency 3970.0V MHz toward Ringgold, La.

617-CF-P-77 Same (KLW25) 5 miles SW of Ringgold, Louisiana Lat. 32°17'09" N., Long. 93°21'41" W., C.P. to add frequencies 4010.0V MHz toward Martin, La. 3930.0H MHz toward Shreveport, La.; replace antenna on frequencies 3750.0H MHz toward Martin, La. and 3770.0V MHz toward Shreveport, La.

618-CF-P-77 Same (KLW27) 602 Crockett Street, Shreveport, Louisiana Lat. 32°20'37" N., Long. 93°44'56" W., C.P. to add frequencies 3710.0V MHz toward Ringgold, La. and replace antenna on frequency 3730.0H Ringgold, La.

627-CF-P-77 The Mountain States Telephone and Telegraph Company (KAN27) 931 Fourteenth Street, Denver, Colorado Lat. 39°44'43" N., Long. 104°59'45" W., C.P. to add frequency 4090.0H MHz toward Devils Head, Co.

628-CF-P-77 Same (KAN28) Devils Head, 15 miles SW of Castlerock, Colorado Lat. 39°15'50" N., Long. 105°06'50" W., C.P. to add frequencies 4050.0H MHz toward Denver, Co and 4050.0H MHz toward Badger Mtn., Co.

629-CF-P-77 Same (KAN25) Badger Mtn. 9 miles N of Lake George, Colorado Lat. 39°02'58" N., Long. 105°30'45" W., C.P. to add frequencies 4090.0H MHz toward Devils Head Co 4090.0V MHz toward Monarch, Co.

630-CF-P-77 Same (KAN31) Monarch PS 17 miles West of Salida, Colorado Lat. 38°29'47" N., Long. 106°19'06" W., C.P. to add frequencies 4050.0V MHz toward Badger Mtn. and 4050.0H MHz toward Gunnison, Co.

631-CF-P-77 Same (KAN30) 2 miles NE of Gunnison, Colorado Lat. 38°33'54" N., Long. 106°54'34" W., C.P. to add frequencies 4090.0H MHz toward Monarch PS, Co and 4090.0H MHz toward Ftprk-mesa, Co.

632-CF-P-77 Same (KAN29) Ftprk-mesa 25 miles East of Montrose, Colorado Lat. 38°23'50" N., Long. 107°25'48" W., C.P. to add frequencies 4050.0H MHz toward Gunnison, Co 4050.0H MHz toward Cerro SMT, Co.

633-CF-P-77 Same (KAN26) Cerro SMT 13 miles East of Montrose, Colorado Lat. 38°27'28" N., Long. 107°39'06" W., C.P. to add frequencies 4070.0H MHz toward Ftprk-mesa, Co and 4090H MHz toward White-water, Co.

634-CF-P-77 Same (KAN80) Whitewater 11 miles SE of Grand Junction, Colorado Lat. 38°54'10" N., Long. 108°29'41" W., C.P. to add frequencies 4050.0H MHz toward Cerro SMT, Co and 5060.0H Grand Jet., Co.

635-CF-P-77 The Mountain States Telephone and Telegraph Company (KVV54) 800 Main St. Grand Junction, Colorado Lat. 39°04'03" N., Long. 108°33'30" W., C.P. to add frequencies 4090.0H toward Whitewater, Co. and 4010.0V MHz toward Boxter Pass, Co.

636-CF-P-77 Same (KBC96) Boxter Pass 22.5 miles NW of Mack, Colorado Lat. 39°35'11" N., Long. 108°57'00" W., C.P. to add frequencies 3970.0V MHz toward Grand Jet., Co. and 3970.0V MHz toward Bruin Peak, Co.

- 637-CF-P-77 Same (KPR34) Bruin Peak, 8 miles NNE of Dragerton, Utah Lat. 39°38'21" N., Long. 110°20'31" W., C.P. to add frequencies 4010.0V MHz toward Price, and Boxter Pass, Colorado.
- 638-CF-P-77 Same (KPR35) 107 East 1st North of Price, Utah Lat. 39°36'08" N., Long. 110°48'30" W., C.P. to add frequencies 4030.0V MHz toward Soldier SMT, Co. and 3970.0V MHz toward Bruin Peak, Co.
- 639-CF-P-77 Same (KPR36) Soldier SMT 8 miles NW of Helper, Utah Lat. 39°45'22" N., Long. 110°59'24" W., C.P. to add frequencies 4070.0V MHz toward Salem, Utah and 4070.0V MHz toward Price, Utah.
- 640-CF-P-76 Same (KPR37) 3.3 miles SE of Salem, Utah Lat. 40°01'09" N., Long. 111°36'49" W., C.P. to add frequencies 4030.0V Provo Jct., Ut. and 4030.0V MHz toward Soldier SMT, Colorado.
- 641-CF-P-77 Same (KPB54) Provo Pct. 1210 West Center Street Provo, Utah Lat. 40°14'03" N., Long. 111°40'41" W., C.P. to add frequencies 3830.0V MHz toward Camp WMS, Utah, 4070.0V MHz toward Salem and replace antenna on frequency 3730.0H MHz toward Camp WMS, Utah.
- 642-CF-P-77 Same (KPB53) Camp WMS 5 miles NW of Lehi, Utah Lat. 40°25'38" N., Long. 111°56'12" W., C.P. to add frequencies 3790.0V MHz toward Salt Lk Cy, 3790.0V MHz toward Provo Jct. and replace antenna frequencies 3770.0H MHz toward Salt Lk Cy 3770.0V MHz toward Provo Jct, Utah.
- 643-CF-P-77 Same (KPB52) 70 South State Street, Salt Lake City, Utah Lat. 40°46'03" N., Long. 111°53'16" W., C.P. to add frequency 3830.0V MHz toward Camp WMS, Utah and replace antenna on frequency 3730.0H MHz toward Camp WMS, Utah.
- 644-CF-P-77 Northwestern Telephone Systems, Inc. (KPE25) 111 First Avenue East Kallispell, Montana Lat. 48°11'53" N., Long. 114°18'37" W., C.P. to change frequency 6160.0V to 10875.0V MHz toward Kallispell PRI and from the passive reflector to Blacktail Mt. replace transmitter and add antenna.
- 645-CF-P-77 Same (KPG94) Blacktail Mt. 12.1 miles South of Kallispell, Montana Lat. 48°00'43" N., Long. 114°21'47" W., C.P. to change frequency 6235.0V to 11605.0V MHz toward Kallispell PRI from passive reflector to Kallispell replace transmitter and add antenna.

**Correction**

- 314-CF-P-77 Southern Bell Telephone and Telegraph Company (KIO59) 405 13th Street Columbus, Georgia to correct coordinate to read Long. 84°59'15" W. and to change point communication (sp) Nankipooch all other particulars remain the same as reported on Public Notice No. 831 dated November 8, 1976

**Major amendment**

- 4524-CF-P-76 RCA Alaska Communications, Inc. (new) Sisters Island, Alaska amend application to change longitude from 136°15'23" N. to read 135°15'23" N. all other particulars remain the same as reported on Public Notice No. 816 dated July 26, 1976.

[FR Doc.76-37835 Filed 12-23-76;8:45 am]

[Report No. 836]

**COMMON CARRIER SERVICES  
INFORMATION**

**Applications Accepted for Filing**

The applications listed herein have been found, upon initial review, to be

acceptable for filing. The Commission reserves the right to return any of these applications, if upon further examination, it is determined they are defective and not in conformance with the Commission's Rules and Regulations or its policies.

Final action will not be taken on any of these applications earlier than 31 days following the date of this notice, except for radio applications not requiring a 30 day notice period (See section 309(c) of the Communications Act), applications filed under Part 68, applications filed under Part 63 relative to small projects, or as otherwise noted. Unless specified to the contrary, comments or petitions may be filed concerning radio and section 214 applications within 30 days of the date of this notice and within 20 days for Part 68 applications.

In order for an application filed under Part 21 of the Commission's Rules (Domestic Public Radio Services) to be considered mutually exclusive with any other such application appearing herein, it must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which the subsequent application is in conflict) as having been accepted for filing. In common carrier radio services other than those listed under Part 21, the cut-off date for filing a mutually exclusive application is the close of business one business day preceding the day on which the previously filed application is designated for hearing. With limited exceptions, an application which is subsequently amended by a major change will be considered as a newly filed application for purposes of the cut-off rule. (See § 1.227 (b) (3) and 21.30(b) of the Commission's Rules.)

**FEDERAL COMMUNICATIONS  
COMMISSION,**

VINCENT J. MULLINS,

*Secretary.*

**DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE**

- 20331-CD-AL-77, Aircall, Inc. Consent to Assignment of license from Aircall, Inc. Assignor to Two-Way Radio of Carolina, Inc., Assignee. Station: KIY395, Burke County, N.C.
- 20334-CD-P-77, The Medical Dental Bureau, Inc. (KLF512), C.P. for additional facilities to operate on 454.350 MHz to be located at a new site described as Loc. No. 5: 3 miles SE. of New Castle, Pa.
- 20335-CD-P-77, Mobilphone Communications, Inc. (KLF661), C.P. for additional facilities to operate on 152.24 MHz to be located at a new site described as Loc. No. 3: KASE (FM) Tower, west of Trall of Madrones, Austin, Tex.; and to designate base facilities operating on 152.24 MHz at Loc. No. 1 as standby facilities.
- 20339-CD-P/L-77, Telephone Secretarial Service (KEA263), C.P. to replace transmitter operating on 152.15 MHz, standby, located at 1180 Raymond Boulevard, Newark, N.J.

- 20340-CD-P-(4)-77, Central Telephone Company (KOH273), C.P. for additional facilities to operate on 454.425, 454.475, 454.525, 454.575 MHz located at Carson Street and Las Vegas Boulevard South, Las Vegas, Nev.
- 20341-CD-MP-(2)-77, Tel-Air Communications, Inc. (KSW214), Modification of C.P. to relocate facilities operating on 152.06 and 152.18 MHz to be located 6.3 miles NE. of Dover, N.J., Loc. No. 3.
- 20342-CD-P-77, Houser Communications, Inc. (KSC864), C.P. to replace transmitter change antenna system and relocate facilities operating on 35.58 MHz to be located at Steward and Leonard Streets, Creve Coeur, Ill.
- 20344-CD-P-(3)-77, Knox La Rue d.b.a. Atlas Radiophone (KMM630), C.P. for additional base facilities to operate on 152.15 MHz and repeater facilities to operate on 72.08 MHz to be located at a new site described as Loc. No. 5: At Black Butte, off Corral Hollow Road, approx 6 miles SW. of Tracy, Calif.; and for additional control facilities to operate on 75.68 MHz at Loc. No. 2: 2171 Ralph Avenue, Stockton, Calif.
- 20345-CD-P-77, Radio Broadcasting Company (KGB874), C.P. to change antenna system, and relocate facilities operating on 454.350 MHz at Loc. No. 3 to be located at Roxborough Antenna Farm, Paoli Avenue, Philadelphia, Pa.

**RURAL RADIO SERVICE**

- 60084-CR-P/L-77, Southwestern Bell Telephone Company (WBK268), C.P. and license to add frequencies operating on 157.92 and 157.95 MHz located 55 miles NW. of Laredo, Tex.
- 60085-CR-P/L-77, Southeastern Bell Telephone Company (WBK278), C.P. and license to add frequencies operating on 157.92 and 157.95 MHz located 33.9 miles SE. of Laredo, Tex.
- 60086-CR-ML-77, David R. Williams d.b.a. Industrial Communications (KZA88), Modification of license to add frequencies 158.52, 158.55, 158.58, 158.64, 158.49, 158.61 MHz located at any temporary fixed location within the territory of the grantee.
- 60087-CR-P-77, RCA Alaska Communications, Inc. (WQ070), C.P. to replace transmitter, change antenna system and change frequencies from 157.80, 157.89, 157.95 and 158.07 MHz to 157.86 and 158.04 MHz located 102 miles NW. of Bethel, Pitkas Point, Alaska.
- 60088-CR-P-77, RCA Alaska Communications (new), C.P. for a new central office station to operate on 152.60 and 152.78 MHz to be located at Village located 100 miles NW. of Bethel, St. Mary's, Alaska.

**POINT TO POINT MICROWAVE RADIO SERVICE**

- 531-CF-P/ML-77, RCA Alaska Communications Inc. (WAU241), Box 191, Nome Anvil Mountain, Alaska, Lat. 64°33'52" N., Long. 165°22'11" W. C.P. to add a new point communication on frequencies 906H, 906V MHz toward Granite Mountain, Alaska on azimuth 61.9°.
- 532-CF-P/L-77, Same, (new) 4 miles West of Bethel, Alaska, Lat. 60°46'44" N., Long. 161°52'59" W. C.P. for a new station on frequencies 942H, 942V MHz toward Anlak, Alaska on azimuth 153.5°, 924H 924V MHz toward Cape Romanzof, AK on azimuth 243.8° and 930H, 930V MHz toward Camp Newenham, Alaska on azimuth 236.4°.
- 533-CF-P-77, Same, (new) WACS Big Mountain Air Station Alaska, Lat. 59°23'27" N., Long. 155°13'29" W. C.P. for a new station on frequencies 906H, 906V MHz toward Sparrevohn, AK, on azimuth 353°, 918V, 918H MHz toward King Salmon, AK on azimuth 227.9° and 930H, 930V MHz toward Diamond Ridge Mountain, Alaska on azimuth 79.4°.

- 534-CF-P/L-77, Same, (new) 711 ACW Sgdn Cape Lisburne, Alaska, Lat. 68°52'09" N., Long. 166°08'39" W. C.P. for a new station on frequencies 936H, 936V mHz toward Kotzebue, Alaska on azimuth 144.3° and 882V mHz toward Point Lay, AK on azimuth 50.4°.
- 535-CF-P/L-77, Same, (new) RCA Alascom, Cape Sarichef, Alaska, Lat. 54°35'47" N., Long. 164°52'44" W. C.P. for a new station on frequencies 786H, 786V mHz toward Cold Bay, Alaska on azimuth 60.7° and 816H, 816V mHz toward Driftwood Bay, Alaska on azimuth 243.1°.
- 536-CF-P/L-77, Same, (new) St. Louis Road, Cold Bay, Alaska, Lat. 55°15'18" N., Long. 162°45'43" W. C.P. for a new station on frequencies 900H, 900V mHz toward Port Moller, AK on azimuth 179.1° and 906H, 906V mHz toward Cape Sarichef, AK on azimuth 153.6°.
- 537-CF-P/L-77, Same, (new) RCA Alascom, Box 101, Cold Bay, Alaska, Lat. 53°58'33" N., Long. 166°54'15" W. C.P. for a new station on frequencies 924H, 924V mHz toward Nikolski, AK on azimuth 230.1° and 936H, 936V mHz toward Cape Sarichef, AK on azimuth 61.5°.
- 538-CF-P/L-77, Same, (new) 6 miles SE. of Fort Yukon, Alaska, Lat. 66°33'44" N., Long. 145°13'25" W. C.P. for a new station 3910R, 5937.8R, 5997.1R mHz toward Barter Island, AK on azimuth 399.9° and 936H, 936V mHz toward Pedro DM, AK on azimuth 198.7°.
- 539-CF-P/L-77, Same, (new) WACS, P.O. Box 46, Glennallen Tolsona, Alaska, Lat. 62°06'17" N., Long. 146°10'20" W. C.P. for a new station on frequencies 3750R, 3910R, 5937.8A, 5997.1R mHz toward Tahnetta Pas, Alaska on azimuth 243.9° and 4030R, 4110R, 5982.3R, 6041.6R mHz toward Glennallen, AK on azimuth 88.6°.
- 540-CF-P/L-77, Same (new) RCA WACS Cape Romanzof, Alaska, Lat. 61°47'07" N., Long. 165°56'37" W. C.P. for a new station on frequencies 804H, 804V mHz toward Bethel, AK on azimuth 115.4°.
- 541-CF-P/L-77, RCA Alaska Communications, Inc. (new), 2 miles NE. of Granite Mountain, AFS Granite Mountain, Alaska, Lat. 65°25'43" N., Long. 161°13'50" W. C.P. for a new station frequencies 792H, 792V mHz toward North River, Alaska on azimuth 168.5°, 786H, 786V mHz toward Anvil Mountain, AK on azimuth on 245.6° and 756H, 756V mHz toward Kotzebue, Alaska on azimuth 339.8°.
- 542-CF-P/L-77, Same, (new) Adjacent to Galena Air Force Base, Galena, Alaska, Lat. 64°44'08" N., Long. 156°56'30" W.C.P. for a new station on frequencies 2287.5H mHz toward Kalakaket Creek, AK on azimuth 170.5° and 7535H, 7235H mHz toward Campion, AK on azimuth 99.0°.
- 543-CF-P/L-77, Same, (new) RCA Alascom, Box 186, King Salmon, Alaska, Lat. 58°42'17" N., Long. 156°39'54" W. C.P. for a new station on frequencies 792H, 792V mHz toward Port Heiden, Alaska on azimuth 212.4° and 798H, 798V mHz toward Big Mountain, AK on azimuth 46.6°.
- 544-CF-P/ML-77, Same, (WJM43) Box 894, Neklason Lake, Alaska, Lat. 61°37'15" N., Long. 149°15'12" W. C.P. to add a new point communication on frequencies 4030R, 4110R, 5982.3R, 6031.6R mHz toward Sawmill, AK on azimuth 66.5°, 4090R, 4170R, 5937.8R mHz toward Elmendorf RI, AK on azimuth 217.7°, 786H, 798V mHz toward Soldotna, AK on azimuth 155.7° and 822H, 810V mHz toward Bosewell Bay, AK on azimuth 213.6°.
- 545-CF-P/L-77, Same, (new) 14 miles NW. of Fairbanks Pedro Dome, Alaska, Lat. 65°02'03" N., Long. 147°29'59" W.C.P. for a new on frequencies 4050V, 4130V mHz toward Fairbanks, AK on azimuth 204.0°, 3750V, 3830V mHz toward Murphy DM, AK on azimuth 243.7°, 3750V, 3910V, 5937.8V, 5997.1V mHz toward Harding Lake, Alaska on azimuth 159.4°, 816H, mHz toward Ft. Yukon, AK on azimuth 30.4°, 804V, 804H mHz toward Bear Creek, AK on azimuth 278.7° and 7135V, 7455V mHz toward Eielson, Alaska on azimuth 153.9°.
- 546-CF-P/L-77, Same, (new) 130 miles S. of McGrath, Sparrevohn, Alaska, Lat. 61°06'24" N., Long. 155°36'28" W.P. for a new station on frequencies 786H, 786V mHz toward Big Mountain, Alaska on azimuth 173.d°, 756H, 756V mHz toward Aniak, AK on azimuth 216.2° and 789H, 780V mHz toward Tatalina, AK on azimuth 345.1°.
- 547-CF-P/L-77, Same (new) RCA Alascom Box 486, Delta Junction, Alaska, Lat. 64°02'15" N., Long. 145°43'37" W. C.P. for a new station on frequencies 3830R, 3910R mHz toward Canyon Creek, Alaska on azimuth 306.8° and 4030R, 4110R mHz toward Gerstle River, AK on azimuth 126.6°.
- 548-CF-U/ML-77, RCA Alaska Communications, Inc., (WAH417) RCA Alascom, Miles 248, Richardson Hwy., Alaska miles S. of Delta Junction Donnelly Dome, Alaska, Lat. 63°47'14" N., Long. 145°51'50" W. C.P. to add a new point communication on frequencies 3750V, 3910V, 5962.6V, 6011.9V mHz toward Black Rapids, AK on azimuth 178.6° and 4030H, 4190H, 5967.4H, 6026.7H mHz toward Harding Lake, AK on azimuth 323.0°.
- 549-CF-P/L-77, Same, (new) 227 Richardson Hwy., 38.5 miles S. of Black Rapids, Alaska, Lat. 63°29'54" N., Long. 145°51' H, C.P. for a new station on frequencies 3710R, 3870R, 6234.3R, 6293.6R, McCallum, Alaska on azimuth 160.7° and 4070R, 4150R, 6204.7R, 6264R mHz toward Donnelly DM, Alaska on azimuth 358.8°.
- 550-CF-P/L-77, Same, (new) 1.4 miles MW. of Miles 320 Richardson Hwy., Harding Lake, Alaska, Lat. 64°24'36" N., Long. 146°57'15" W. C.P. for a new station on frequencies 3710R, 3870R, 6219.5R, 6278.8R mHz toward Pedro DM, AK on azimuth 142.0° and 4070R, 4150R, 6189.8R, 6249.1R mHz toward Pedro DM, AK on azimuth 339.9°.
- 551-CD-P/L-77, Same (new) 4 miles N. of Kalakaket Creek AFS, Kalakaket Creek, Alaska, Lat. 64°25'40" N., Long. 156°49'59" W. C.P. for a new station on frequencies 2237.5H mHz toward Galena on azimuth 250.5°, 7685.0H, 7610.0H mHz toward Campion on azimuth 13.4°, 774H, 774V mHz toward Tatalina on azimuth 166.1°, 780H, 780V mHz toward North River on azimuth 249.8° and 810H, 810V mHz toward Bear Creek, AK on azimuth 66.2°.
- 552-CF-P/L-77, Same, (new) Box 8, Unalakleet North River, Alaska, Lat. 63°53'20" N., Long. 160°31'02" W. C.P. for a new station on frequencies 900H, 900V mHz toward Kalakaket Creek, AK on azimuth 69.8° and 918H, 918V mHz toward Granite Mountain, AK on azimuth 349.1° 7235V, 7235V mHz toward Unalakleet, on azimuth 264.5°.
- 553-CF-P/L-77, Same, (new) WACS, P.O. Box 46, Glennallen Sawmill, Alaska, Lat. 61°48'28" N., Long. 148°19'48" W. C.P. for a new station on frequencies 4070R, 4150R, 6204.7R, 6264R mHz toward Sheep Mountain on azimuth 93.2° and 3710R, 3870R, 6234.3R, 6293.6R mHz toward Neklason Lake, AK on azimuth 247.3°.
- 554-CF-P/L-77, Same, (new) 1 mile N. of Tatalina AFS, Tatalina, Alaska, Lat. 62°55'45" N., Long. 156°01'17" W. C.P. for a new station on frequencies 900H, 900V mHz toward Sparrevohn, AK on azimuth 173.7° and 894H, 894V mHz toward Kalakaket Creek, AK on azimuth 346.9°.
- 555-CF-P/L-77, Same, (new) within the town of Unalakleet, Alaska, Lat. 63°52'38" N., Long. 160°47'14" W. C.P. for a new station on frequencies 7135V, 7435V mHz toward North River on azimuth 84.3°.
- 556-CF-P/L-77, Same, (WJM42), Elmendorf RI, 42-500 Building Elmendorf AFB, Alaska, Lat. 61°15'40" N., Long. 149°49'45" W. C.P. for a new station on frequencies 3750H, 3830H, 6189.8H, 6249.1H mHz toward Neklason Lake, on azimuth 37.2° 5967.4H, 6086H mHz toward Elmendorf 4050V, 4130V mHz toward Anchorage on azimuth 216.1°.
- 557-CF-P/L-77, RCA Alaska Communications, Inc. (New), End of Pillar Mountain Road, Box 1155, Kadiak, Alaska, Lat. 57°47'19" N., Long. 152°26'12" W. C.P. for a new station on frequencies 936H 936V MHz toward Diamond Rdg. on azimuth 12.2°, 7735V 7540V MHz toward Holiday Beach, on azimuth 194.9° 7655V 7465V Chiniak, Alaska on azimuth 153.3°.
- 558-CF-P/L-77, Same, (New) Tok Junction RCA Alascom, Box 275 Tok, Alaska Lat. 63°20'14" N., Long. 142°58'57" W. C.P. for a new station on frequencies 4030R 4110R MHz toward Beaver Creek, Alaska on azimuth 277.8°.
- 559-CF-P/L-77, (New) Indian Mountain, WCAS Facility Indian Mountain, Alaska Lat. 66°04'07" N., Long. 153°40'45" W. C.P. for a new station on frequencies 798H 798V MHz toward Bear Creek on azimuth 137.6°.
- 560-CF-P/L-77, Same, (New Campion Building 101, 743 ACW Squadron Galena, Alaska Lat. 64°42'31" N., Long. 156°43'35" W. C.P. for a new station on frequencies 7435.0H 7135.0H toward Galena, Alaska on azimuth 286.4° and 7310.0H 7385.0H MHz toward Kalankakt Creek, Alaska on azimuth 189.3°.
- 569-CF-P-77, The Chesapeake and Potomac Telephone Company of Maryland (New) 5 Tick Neck Road Armiger, Md. Lat. 39°07'34" N., Long. 76°32'03" W.C.P. for a new station on frequencies 10895.0V 10735.0V MHz toward Baltimore, Md. on azimuth 339.5°.
- 468-CF-P-77, Eastern Microwave, Inc. (New) Hempstead Turnpike and Carman Ave., E. Meadow, N.Y. (Lat. 40°43'33" N., Long. 73°33'15" W.): Construction permit for new station—5960.0V and 6167.6V MHz toward New York City Gulf and Western Building, N.Y., on azimuth 277.7°.
- 575-CF-MP-77, United Video, Inc. (WAH 571), Springfield, Ill. (Lat. 39°45'06" N., Long. 89°34'38" W.): Construction permit to add 6286.2H MHz toward Lincoln, Ill., via power split, on azimuth 19.3°.
- 576-CF-MP-77, United Video, Inc. (WAH 570), 1.5 mile NW of Lincoln, Ill. (Lat. 40°09'48" N., Long. 89°23'23" W.): Construction permit to add 6034.2H MHz toward Minn. and change polarities to 11385.0V and 11465.0V MHz toward Springfield, both in Ill. on azimuths 11.5° and 119.3°, respectively.
- 577-CF-MP-77, United Video, Inc. (WAH 446), 3 miles East of Miner, Ill. (Lat. 40°26'16" N., Long. 89°15'23" W.): Construction permit to add 6315.9H MHz toward Bloomington and Peoria and to change polarity to 10895.0V and 10815.0V MHz toward Peoria, both in Illinois, on azimuths 17.5° and 46.0°, respectively.
- 578-CF-P-77, Yankee Microwave, (New) Manchester, Goffstown, N.H. (Lat. 42°58'59" N., Long. 71°35'19" W.): Construction permit for new station—6167.6H MHz toward Portsmouth and Mount Washington, both in New Hampshire, on azimuths 82.8° and 9.0°, respectively.

579-CF-P-77, Yankee Microwave, (New) Jones Ave., Portsmouth, New Hampshire. (Lat. 40°03'18" N., Long. 70°45'36" W.): Construction permit for new station—6241.7V MHz toward Dover, N.H., on azimuth 324.8°.

580-CF-P-77, Yankee Microwave, (KYZ 85), Mount Washington, Sargents Purchase, N.H. (Lat. 44°16'13" N., Long. 71°18'13" W.): Construction permit to change location of receive station—6212.1H and 6212.1V MHz toward Manchester and Saddleback, both in New Hampshire, on azimuths 189.0° and 176.2°, respectively.

581-CF-P-77, Yankee Microwave, (New) Manchester, Mount Uncanunoc, Goffstown, N.H. (Lat. 42°58'59" N., Long. 71°35'19" W.): Construction permit for new station—6152.8V MHz toward Manchester CATV and Nashua, both in New Hampshire and 6152.8H MHz toward Amesbury, Mass., on azimuths 74.4°, 157.7° and 103.6°, respectively.

619-CF-MP-77, East Texas Transmission Company (KLH 73), Highway 429, 0.6 mile SW of College Mound, Tex. (Lat. 32°40'04" N., Long. 96°11'33" W.): Modification of construction permit to increase power and add 10715.0H, 10835.0H and 10955.0H MHz toward Colfax, Texas, on azimuth 110.3°.

620-CF-MP-77, East Texas Transmission Company (KLH 74), 1.3 mile NW of Colfax, Tex. (Lat. 32°31'29" N., Long. 95°44'30" W.): Modification of construction permit to increase power and to add 11485.0V, 11245.0V and 11365.0V MHz toward Tyler, Tex., on azimuth 115.0°.

621-CF-MP-77, East Texas Transmission Company (KLH 75), North Glenwood Blvd. and West Claude, Tyler, Tex. (Lat. 32°21'13" N., Long. 95°19'11" W.): Modification of construction permit to add 10715.0V MHz toward Jacksonville, Tex., on azimuth 175.0°.

622-CF-MP-77, East Texas Transmission Company (KLU 31), International of Jefferson and Selman Sts., Jacksonville, Tex. (Lat. 31°58'48" N., Long. 95°16'53" W.): Modification of construction permit to add 11485.0V MHz toward Palestine, Texas, on azimuth 237.1°.

663-CF-P-77, Eastern Microwave, Inc. (WDD 68), West Rockhill, 2.6 miles NW of Sellersville, Pa. (Lat. 40°23'02" N., Long. 75°21'02" W.): Construction permit to add 11055.0H MHz toward Frederickville, Pa., on azimuth 287.1°.

664-CF-P-77, Eastern Microwave, Inc. (WDD 61), Frederickville, 1.5 mile ENE of Frederickville, Pa. (Lat. 40°27'27" N., Long. 75°39'55" W.): Construction permit to add 11305.0V MHz toward Pulpit Rock, Pa., on azimuth 304.3°.

665-CF-P-77, Eastern Microwave, Inc. (WDD 71), Pulpit Rock, 3.9 miles NE of Hamburg, Pa. (Lat. 40°35'50" N., Long. 75°56'04" W.): Construction permit to add 11055.0V MHz toward Blue Mountain, Pa., on azimuth 253.0°.

666-CF-P-77, Eastern Microwave, Inc. (WDD 72), Blue Mountain, Appalachian Trail, 2 miles SSE of State Routes 183 and 185, Summit Station, Pa. (Lat. 40°31'55" N., Long. 76°11'49" W.): Construction permit to add 6049.0V MHz toward Womelsdorf, Penna., on azimuth of 179.9° and, via power split, on 6049.0V MHz toward Girard Hill, Pa., on azimuth of 11.6° and to change antenna system. (Note: Applicant requests waiver of Section 21.701(i) of the Rules).

667-CF-P-77, Eastern Microwave, Inc. (WBB 350), Womelsdorf, 2.5 miles SSW of Womelsdorf, Pennsylvania. (Lat. 40°19'25" N., Long. 76°11'48" W.): Construction permit to add 6271.4V MHz toward Harrisburg, Pa. on azimuth 271.9°. (Note: Applicant requests waiver of Section 21.701(i) of the Rules).

668-CF-P-77, Eastern Microwave, Inc. (WDD 73), Girard Hill, 2 miles WMW of Delano, Pa. (Lat. 40°50'58" N., Long. 76°06'41" W.): Construction permit to add 6375.2V MHz toward Penobscot-3, Pa., on azimuth 28.4° and to change antenna system. (Note: Applicant requests waiver of Section 21.701(i) of the Commission's Rules).

669-CF-P-77, Eastern Microwave, Inc. (WEA 772), Penobscot-3, 0.8 mile North of Mountain Top, Pa. (Lat. 41°10'57" N., Long. 75°52'23" W.): Construction permit to add 11225.0V MHz toward Swoyersville, Pa., on azimuth 356.2°.

670-CF-P-77, Eastern Microwave, Inc. (WBB 231), 2.4 miles SE of U.S. Routes 120 and 220, Lock Haven, Pa. (Lat. 41°07'12" N., Long. 77°24'12" W.): Construction permit to add 6345.5H MHz toward Little Flat, Pa., on azimuth 216.1°.

#### Correction

219-CF-MP-77, American Microwave and Communications, Inc. (KQL46), 0.5 Mile West of Covington, Mich. (Lat. 46°32'02" N., Long. 88°32'37" W.). This entry appearing on Public Notice dated November 8, 1976 is corrected to show construction permit to replace transmitters, change polarity and change frequencies to 6278.8H, 6308.4V, 6338.1H and 6397.4H MHz toward Bergland, Mich., on azimuth 281.7° and to change polarity of frequencies to 6278.8H, 6338.1H and 6397.4H MHz toward Houghton, Mich., on azimuth 356.4°.

[FR Doc.76-37834 Filed 12-23-76; 8:45 am]

### COMPUTER INQUIRY

#### List of Parties Intending to Participate

Released: December 21, 1976.

In the matter of Amendment of § 64.702 of the Commission's Rules and Regulations (Computer Inquiry); Docket No. 20828; (41 FR 44057).

1. On November 8 and 9, 1976, the Commission held a planning Conference on Computer Communications. The subject matter of that Conference is relevant to the proceedings in the Computer Inquiry (Docket No. 20828). Accordingly, a copy of the papers presented and a transcript of the conference have been entered into the record and are available for public inspection in the Docket Reference Room in the Commission's offices in Washington, D.C.

2. By Memorandum Opinion and Order, released October 4, 1976, parties interested in participating in the Computer Inquiry were requested to file a notice of intent to participate in order that a service list could be compiled. The parties listed in Attachment A have filed such a notice and all pleadings filed in this proceeding should be served on the parties listed therein.

#### FEDERAL COMMUNICATIONS COMMISSION,

WALTER HINCHMAN,  
Chief, Common  
Carrier Bureau.

DECEMBER 15, 1976.

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[FR Doc.76-37837 Filed 12-23-76;8:45 am]

[Docket Nos. 21013, 21014; File Nos. BPH-6214, BPH-9470]

**COURT HOUSE BROADCASTING CO. AND  
FREDERICK F. STANNARD AND SALLY  
S. STANNARD, A PARTNERSHIP**

**Construction Permits; Application for  
Consolidated Hearing**

In reapplications of the Court House Broadcasting Co., Chillicothe, Ohio; Docket No. 21013, File No. BPH-6214. Requests: 94.3 MHz, Channel F. Stannard and Sally S. Stannard, a Partnership, Chillicothe, Ohio; Docket No. 21014, File No. BPH-9470, Requests: 94.3 MHz, Channel No. 232; 3 kW (H&V); 300 feet.

Adopted: December 8, 1976.

Released: December 17, 1976.

1. The Commission, by the Chief of the Broadcast Bureau acting pursuant to

delegated authority, has before it the above-captioned applications of Court House Broadcasting Co. [Court House] and Frederick F. Stannard and Sally S. Stannard, a Partnership [Stannard] which are mutually exclusive in that they seek the same FM broadcast channel in Chillicothe, Ohio.

2. Data on file indicate there would be a significant difference between the areas and populations which would receive service from the proposals.<sup>1</sup> Consequently, for the purposes of comparison, the areas and populations which would receive FM service of 1 mV/m or greater intensity, together with the availability of other primary aural services in such areas will be considered under the standard comparative issue, for the purpose of determining whether a comparative preference should accrue to either of the applicants.

3. Court House has failed to comply with the requirements of the *Primer on the Ascertainment of Community Problems by Broadcast Applicants*, 27 FCC 2d 650, 21 RR 2d 1507 (1971). From the information before us, it appears that the applicant has failed to survey leaders of significant population groupings set forth in its demographic study. *Voice of Dixie, Inc.*, 45 FCC 2d 1027, 29 RR 2d 1127 (1974). For example, while Court House indicates that a number of manufacturing concerns exist in Chillicothe, no representatives of industry have been interviewed.

4. Analysis of Court House's financial data reveals that \$83,795 will be required to construct and operate the proposed station for one year, without revenue, itemized as follows:

Down payment on equipment.....	\$11,540
First year payments on equipment...	15,463
Building .....	6,000
Miscellaneous .....	17,650
Loan repayment with interest.....	8,142
First year working capital.....	25,000
Total.....	83,795

Court House plans to finance construction and operation with the following funds: loan from principal stockholder, \$60,000; and loan from banking institution, \$30,000. However, the bank commitment expired on August 5, 1976. Accordingly, as the applicant has shown the availability of only \$60,000 to meet an \$83,795 requirement, a financial issue will be specified.

5. Analysis of Stannard's financial data reveals that \$88,230 will be required to construct and operate the proposed station for one year, without revenue, itemized as follows:

Downpayment on equipment.....	\$13,880
First year payments on equipment with interest.....	13,950
Land .....	10,000
Miscellaneous .....	11,500
First year working capital.....	38,900
Total.....	88,230

<sup>1</sup> The applicants indicate in Section V-B of their applications that the areas (in square miles) and populations, respectively, their proposals would serve would be as follows: (i) Court House: 644; 58,397; and (ii) Stannard: 660; 76,100.

Stannard plans to finance construction and operation with the following funds: cash on hand or in banks, \$3,165; proceeds from sale of listed stocks, \$15,697; proceeds from sale of Northeast Bancorp Stock, \$45,756; and proceeds from collection of notes and other receivables, \$37,000.<sup>2</sup> However, since the receivables have not been certified collectible as required by Section III, page 3, paragraph 4(b), FCC Form 301, no reliance can be placed on these funds. Accordingly, as Stannard has shown the availability of only \$64,618 to meet an \$88,230 commitment, a financial issue will be specified.

6. Except as indicated by the issue specified below, the applicants are qualified to construct and operate as proposed. However, because the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

7. Accordingly, it is ordered, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and a place to be specified in a subsequent Order, upon the following issues:

(1) To determine the efforts made by Court House Broadcasting Co. to ascertain the public's needs and issues in the following respect: (a) whether Court House Broadcasting Co.'s showing omits consultations with leaders of industry in the proposed community of license.

(2) To determine with respect Court House Broadcasting Co.: (a) the source and availability of additional funds over and above the \$60,000 indicated; and (b) whether, in light of the evidence adduced pursuant to (a) above, the applicant is financially qualified.

(3) To determine with respect to Frederick F. Stannard and Sally S. Stannard, a Partnership: (a) the source and availability of additional funds over and above the \$64,618 indicated; and, (b) whether, in light of the evidence adduced pursuant to (a) above, the applicant is financially qualified.

(4) To determine which of the proposals would, on a comparative basis, better serve the public interest.

(5) To determine, in light of the evidence adduced pursuant to the foregoing issues, which, if either, of the applications should be granted.

8. It is further ordered, That to avail themselves of the opportunity to be heard, the applicants, pursuant to § 1.221 (c) of the Commission's Rules, in person or by attorneys shall, within twenty (20) days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

<sup>2</sup> Even if Stannard's alternate plan of financing were utilized, whereby the Northeast Bancorp stock would be retained and used as collateral for a \$40,000 bank loan with \$3,600 interest due in the first year, the applicant would be short of its requirement by \$32,968.

9. It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's Rules, give notice of the hearing, either individually or, if feasible and consistent with the Rules, jointly, within the time and the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the Rules.

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

[FR Doc. 76-37832 Filed 12-23-76; 8:45 am]

[Docket Nos. 20618, 20619; File Nos. BPH-8917, 9037; FCC 76R-278]

**J. SHERWOOD, INC. AND STRAFFORD  
BROADCASTING CORP.**

**Construction Permits**

J. Sherwood, Inc., Rochester, New Hampshire; Docket No. 20618, File No. BPH-8917; Strafford Broadcasting Corporation, Rochester, New Hampshire; Docket No. 20619, File No. BPH-9037; (41 FR 34107).

Adopted December 2, 1976.

Released December 16, 1976.

By the Review Board: Board Member Kessler abstaining; Board Member Emerson concurring in part and dissenting in part with statement.<sup>1</sup>

1. This proceeding involves the mutually exclusive applications of J. Sherwood, Inc. (Sherwood) and Strafford Broadcasting Corporation (Strafford) for a new FM broadcast station at Rochester, New Hampshire. By Order, FCC 75-1136, 40 FR 50127, published October 28, 1975, the Commission designated the applications for hearing under an issue to determine whether Sherwood "made intentional misrepresentations in its original financial showing" and a standard comparative issue. On November 12, 1975, Strafford filed a petition with the Review Board requesting that numerous additional issues be added against Sherwood.<sup>2</sup> By Order, FCC 76R-215, released July 26, 1976, the Board, with one member absent, denied Strafford's petition to the extent that it sought issues reflecting on Sherwood's character qualifications, and held the petition in abeyance in all other respects pending disposition of a joint petition for approval of an agreement looking toward dismissal of Sherwood's application, filed by the parties on June 22, 1976. Subsequently, in response to an application for review

<sup>1</sup> Statement filed as part of the original document.

<sup>2</sup> The following related pleadings were also filed with the Board: (a) Broadcast Bureau's partial opposition to petition to enlarge issues, filed January 22, 1976; (b) opposition, filed January 23, 1976, by Sherwood; (c) request for official notice, filed February 13, 1976, by Sherwood; (d) supplement to opposition, filed March 2, 1976, by Sherwood; and (e) reply, filed March 24, 1976, by Strafford.

filed by Strafford, the Commission, by Order FCC 76-926, released October 14, 1976, referred the petition to enlarge to the Board for further consideration with an opinion finding that the Board's summary denial of the requested character issues was in conflict with Section 6(d) of the Administrative Procedures Act, 5 U.S.C. 555(e). Moreover, on August 2, 1976, Strafford filed a motion to withdraw their joint petition for settlement. Consequently, the Board will now consider all of the issues requested in Strafford's November 12, 1975 petition to enlarge issues on their merits.<sup>3</sup>

**FINANCIAL AND RELATED MISREPRESENTATION ISSUES**

2. Strafford's first request is for the addition of cost estimate, second year financial and related misrepresentation issues.<sup>4</sup> As to its cost estimate request, petitioner contends that Sherwood's estimate of \$1,600 for studio remodeling costs (made in its amended financial showing) is grossly deficient.<sup>5</sup> In support, Strafford has submitted affidavits executed by an experienced builder in the Rochester area<sup>6</sup> which state that he has

<sup>3</sup> We will grant Sherwood's request for official notice of the Administrative Law Judge's Order, FCC 76M-184, released February 12, 1976, accepting an amendment to Sherwood's financial showing. Additionally, we will consider the executed affidavit contained in Sherwood's supplemental opposition filed March 2, 1976, since, though the matter is late filed, its acceptance is unopposed and the matter is pertinent to a resolution of the issues under consideration.

<sup>4</sup> Since the majority of Strafford's allegations in this regard have been mooted or significantly altered by Sherwood's amended financial showing (see note 2, supra), our summary of Strafford's arguments is drawn in large part from its reply pleading which is directly responsive to Sherwood's financial proposals of record.

<sup>5</sup> All remaining challenges to Sherwood's cost estimates have been mooted by Sherwood's financial amendment. The amendment includes an additional \$1,000 to meet possible detuning expenditures (Strafford had estimated this cost at \$825); an additional \$1,692 to meet the costs of purchasing an antennae system (Strafford had contended that, at minimum, an additional \$1,580 would be required); an additional \$2,500 for legal expenses (petitioner had asserted that Sherwood's earlier estimate predated the designation of a misrepresentation issue against Sherwood, a change in law firms and the filing of the instant petition to enlarge issues and that, consequently, it was deficient); and added \$1,000 for "Miscellaneous Expenses" (in response to petitioner's averment that Sherwood would incur miscellaneous costs, such as annual financial statements, subscriptions to trade publications and membership costs in a broadcast association).

<sup>6</sup> These affidavits (dated October 22, 1975 and March 1, 1976, and submitted with Strafford's petition and reply, respectively) are by Louis E. Gregoire, who states that he has been involved in the construction business in the Rochester area for twelve years. Though the October 22 affidavit is entirely conclusory, and therefore grossly deficient, the March 1 affidavit includes a detailed breakdown of the remodeling work which allegedly will be required.

personally inspected Sherwood's proposed studio site, that the structure thereon is a "typical garage type building" and that at least \$30 per square foot, or \$36,000, will be required to convert it into a broadcast studio. Strafford contends that this expenditure will exhaust Sherwood's available funding, leaving it with a first year deficit of \$16,590. Accordingly, petitioner argues that a substantial question has been raised regarding Sherwood's ability to sustain its proposed station through the first year of operation.<sup>7</sup> Next, petitioner asserts that inquiry into Sherwood's ability to meet second year expenses is warranted on the basis of the applicant's high debt-to-equity ratio (\$103,798/\$1,000 or 104:1) and its heavy reliance on deferred credit to meet first year expenditures (citing Greenfield Broadcasting Corp., 32 FCC 2d 135, -- RR 2d -- (Rev. Bd. 1971); and Ultravision Broadcasting Co., 1 FCC 2d 544, 5 RR 2d 343 (1965)).<sup>8</sup> During its second year of operation, petitioner concedes principal and interest payments of \$22,025 and deferred equipment payments of \$5,501.76, as well as operating costs of \$31,700. In view of the fact that Sherwood is relying entirely on unsubstantiated revenue returns to meet these costs, Strafford argues that a substantial question exists as to whether Sherwood will be able to sustain its proposed station during its second year of operation. Finally, petitioner contends that a misrepresentation issue is warranted on the basis of each of the originally alleged deficiencies in Sherwood's cost estimates. In particular, Strafford alleges that until the time of Sherwood's recent financial amendment, it had concealed the necessity for studio remodeling costs from the Commission by representing that such costs would be entirely subsumed within its annual \$1,200 lease payments. Additionally, Sherwood contends that Strafford deliberately overvalued its fixed assets in order to advance its financial posture before the Commission; thus, petitioner alleges that while Sherwood stated the value of its "Total Fixed Assets" at \$9,305 in its application, these same assets were valued at only \$2,000 in Sherwood's "Statement of Condition

<sup>7</sup> Petitioner has also contended that Sherwood has overstated the value of its assets (including office furnishings and studio and control equipment) by \$7,305 and that its estimated costs of construction must accordingly be increased by that amount. However, even assuming such an overvaluation of assets, this deficiency would not require a corresponding increase in the costs of construction, since there is no indication that the office and studio equipment will not be functional despite its lower value. We note, however, that Sherwood's alleged overvaluation of its assets is still relevant to petitioner's request for a misrepresentation issue, considered *infra*.

<sup>8</sup> Sherwood proposes a first year moratorium on principal repayments for a \$65,000 bank loan, an 18-month deferral of principal and interest payments on its remaining \$20,000 loan (from its principal, Mr. Boucher), as well as \$18,798 in deferred credit from its equipment supplier,

as of December 31, 1973," filed with the New Hampshire Secretary of State in April 1974.<sup>9</sup>

3. The Broadcast Bureau, in its partial opposition, opposes petitioner's request for a cost-estimate issue (see note 11, *infra*). However, the Bureau contends that a second year financial issue is warranted in its absence of substantiation evidencing Sherwood's ability to generate sufficient revenue to meet second year costs of \$59,226.76. Moreover, while the Bureau believes that the majority of petitioner's allegations fail to support its request for a misrepresentation issue, it does believe that the discrepancy in Sherwood's valuation of its assets requires further inquiry.

4. In opposition to petitioner's request for a cost-estimate issue, Sherwood states that it has received an estimate for completion of all necessary studio remodeling from one Keith Plaster at the \$1,600 figure specified in its recent financial amendment,<sup>10</sup> and that it has sufficient funds to meet this and all other first year expenditures. As to Strafford's higher estimate, Sherwood alleges that petitioner's affiant, Mr. Gregoire, has failed to state that he is "particularly qualified to speak on construction of broadcast studios." Addressing the requested second year financial issue, Sherwood contends that since it will only be required to turn a "modest" profit during its second year of operation to meet fixed costs, the instant case is clearly distinguishable from those cited by petitioner where the need for "substantial" second year profits warranted the designation of second year issues.<sup>11</sup>

5. Finally, Sherwood opposes the addition of a misrepresentation issue, contending that it has neither misrepresented studio remodeling costs nor the true value of its fixed assets. Specifically, Sherwood alleges that at the time its application was filed, it believed that its proposed studio could be completely renovated for a cost of \$500-\$600 in equipment and materials since labor was to have been provided by Sherwood principals. Sherwood argues that, contrary to petitioner's allegations, these costs were reflected in its application: a portion of them were included in its \$1,000 figure for "Other Items: Installation Costs,"

<sup>9</sup> Strafford has attached a copy of Sherwood's "Statement of Condition," which lists its only non-liquid assets as "Machinery and Equipment: \$2,000".

<sup>10</sup> In support, Sherwood has attached an affidavit by Roger P. Boucher, a principal of the applicant.

<sup>11</sup> In support, Sherwood notes that its recent financial amendment reflects a first year surplus of \$17,810 which "will nearly cover" second year bank loan payments of \$19,825. As a result, petitioner asserts that it will only be required to generate a second year profit of approximately \$7,500 in order to meet equipment payments and principal and interest payments on its Boucher loan. According to Sherwood, "modest" sales revenues of \$3,500 a month will suffice for this purpose and, consequently, the Commission can safely forego inquiry into its second year finances.

and the remainder were stated as lease payments in order to reflect the fact that the site owner had indicated that he would provide some of the required materials and labor. According to Sherwood, its recent amendment, which specified \$1,600 for remodeling costs, was necessitated by further deterioration of the building in question. Turning to petitioner's allegations regarding its valuation of assets, Sherwood argues that any apparent discrepancy was entirely inadvertent and was made without intent to deceive the Commission. Specifically, Sherwood avers that the lower valuation to the New Hampshire Secretary of State reflected the approximate costs of these assets, while the higher figure furnished to the Commission reflected their value following repair. According to Sherwood, the latter estimate more closely approximates the fair market value of these items, and, consequently, there is no basis for the addition of a misrepresentation issue.

6. The Review Board will add both first and second year financial issues but will deny petitioner's request for a misrepresentation issue. As to the cost estimate aspect of the first year issue, a substantial discrepancy exists between petitioner's \$36,000 estimate for studio remodeling (which is based on a detailed analysis of the work which may be required), and the \$1,600 estimate supplied by Sherwood.<sup>12</sup> Moreover, contrary to Sherwood's contention, Louis Gregoire, petitioner's affiant, appears fully qualified to submit an alternative estimate in view of his twelve years of experience in construction and remodeling work in the Rochester area.<sup>13</sup> In contrast, Sherwood has neither set out the qualifications of Keith Plaster, upon whom it relies for its \$1,600 cost figure, nor has it submitted a breakdown of the work contemplated by its lower estimate. Given the disparity between petitioner's estimate and that of Sherwood, an inquiry into the reasonableness of Sherwood's remodeling estimate and its ability to meet this cost with available funds is warranted. Cf. Cavalero Broadcasting Corp., 48 FCC 2d 314, 31 RR 2d 23 (Rev. Bd. 1974).

7. A substantial question has also been raised regarding Sherwood's ability to sustain its station during the second year of operation. Sherwood has conceded that it will be called upon to make approximately \$21,825 in principal and interest payments on its proposed loans, as well as \$5,501.76 in deferred equipment payments during its second year of operation.

<sup>12</sup> Though the Broadcast Bureau, in its partial opposition, opposed addition of a cost estimate issue based on an assertion that petitioner had failed to establish that Sherwood planned to use the building in question as a broadcast studio, Sherwood's opposition effectively admits this fact, thereby mooting the Bureau's objection.

<sup>13</sup> Though Sherwood is correct in his contention that Mr. Gregoire has not established his qualifications in the area of broadcast studio construction in particular, we do not view this as significant in light of the detailed breakdown of costs included in the Gregoire affidavit.

tion. Assuming that Sherwood's first year estimates remain constant, it will also be liable for \$32,700 in second year operating costs. While Sherwood relies, inter alia, in its opposition, on a \$17,810 first year surplus to meet these expenses, in view of the questions raised regarding its estimated construction costs, these funds may not be available. Moreover, there is no indication that Sherwood's second year revenues will be adequate to meet total second year expenditures of approximately \$60,026.<sup>14</sup> Finally, as noted by petitioner, Sherwood's proposal is thinly capitalized; while only \$1,000 is being ventured as risk capital, Sherwood is relying on \$103,798 in loans and deferred credit to finance its operation. In these circumstances, we believe that a second year financial issue is warranted. Robert Cowan Wagner, 38 FCC 2d 1187, 26 RR 2d 429 (Rev. Bd. 1973); 5 KW, Inc., 33 FCC 2d 895, 23 RR 2d 1015 (Rev. Bd. 1972); Greenfield Broadcasting Corp., supra.<sup>15</sup>

8. As to the requested misrepresentation issue, we are of the view that the evidence before us does not indicate that Sherwood intentionally misled the Commission with regard to its financial qualifications. Though Sherwood did state in its original application, and again in an amendment filed on May 6, 1975, that remodeling costs would be subsumed within lease payments, and though Sherwood now acknowledges that approximately \$1,600 will be required for this purpose, it has explained this discovery by an assertion that the building in question fell into further disrepair after May 1975. This explanation has not been contested by petitioner, and in our view it satisfactorily negates an inference that Sherwood may have intended to conceal these costs from the Commission.<sup>16</sup> More-

<sup>14</sup> Though Sherwood has estimated first year revenues at \$35,000, it has failed to substantiate its ability to generate income in this amount. Even assuming that these revenues were substantiated, and could therefore be relied upon, Sherwood would have to nearly double this figure during its second year of operation to meet fixed expenses.

<sup>15</sup> Though Sherwood has argued that the instant case is distinguishable from those cited above in that Sherwood is only relying on "modest" second year profits to meet fixed expenses, we do not find this contention persuasive. First, Sherwood's assertion that its required second year profits are "modest" for a station of its size and location is entirely conclusory. Second, designation of second year issues in the above cases did not depend on whether the applicant relied on "substantial" as opposed to "modest" second year profits, but rather on the fact that the applicant's proposals were thinly capitalized, involved substantial deferral of first year expenditures and relied on unsubstantiated second year revenues to meet second year costs. Each of these elements is present in the instant case.

<sup>16</sup> Moreover, though Sherwood has acknowledged that \$500-\$600 worth of materials would have been required even before the building fell into further disrepair, its explanation regarding how this cost was reflected in its application is not unreasonable.

over, we do not believe that other alleged deficiencies in Sherwood's cost estimates warrant the addition of a misrepresentation issue. The substantial first year surplus reflected in Sherwood's financial showing at the time the challenged cost estimates were made militates against any suggestion that deficiencies in these figures were based on intentional misrepresentation rather than a mere underestimation of costs.<sup>17</sup> Cf. *Prairie-land Broadcasters*, 49 FCC 2d 847, 31 RR 2d 1425 (Rev. Bd. 1974). Although this surplus would not have completely covered Strafford's estimate for studio remodeling costs, Strafford's \$36,000 figure is itself untested and is not sufficient to raise a substantial question of misrepresentation. We cannot turn every question of adequacy of cost estimates into a misrepresentation issue; some additional substantial ground is required. We do not find it here. Finally, Sherwood has adequately explained the discrepancy in its valuation of fixed assets by its assertion that these assets were valued at their purchase price in material submitted to the New Hampshire Secretary of State and at their market value in the application submitted to the Commission.<sup>18</sup>

#### SITE AVAILABILITY AND RELATED 1.65 AND MISREPRESENTATION ISSUES

9. Strafford's next request is for the addition of site availability, and related Rule 1.65<sup>19</sup> and misrepresentation issues. According to petitioner, Willis J. Moore, owner of Sherwood's proposed transmitter site at the time its application was filed, no longer has an interest in the property due to a mortgage foreclosure which occurred on November 4, 1974.<sup>20</sup> Though Moore's mother, Mary L. Moore, subsequently purchased one acre of the proposed site, it is alleged that Sherwood has never submitted evidence of a lease agreement with either Willis or Mary Moore, and that consequently Sherwood has not provided reasonable assurance of the site's availability. In any event, petitioner contends that a petition for special exception to permit the

<sup>17</sup> Sherwood's financial showing, as amended on May 6, 1975, reflected a \$31,166 first year surplus. After subtracting Sherwood's newly revised cost estimates for detuning, an antennae system, legal and miscellaneous expenditures (see note 4 supra), Sherwood would still have retained \$24,974, plus whatever first year revenues it may generate, to cover studio remodeling expenditures.

<sup>18</sup> We note, in addition, that, according to petitioner, Sherwood has filed new material with the New Hampshire Secretary of State which adjusts its valuation of assets to accord with the \$9,305 figure submitted to the Commission.

<sup>19</sup> Rule 1.65 provides that an applicant must advise the Commission when the information contained in its pending application is no longer substantially accurate and complete or when there has been a substantial change as to any other matter which may be of decisional significance in the proceeding.

<sup>20</sup> In support, petitioner has attached an affidavit by the Vice President of Rochester Savings Bank and Trust Company (the mortgage).

construction of an FM station on this property (filed by Willis Moore with the Rochester Zoning Board of Adjustment prior to June 5, 1973) was denied with prejudice on August 11, 1975,<sup>21</sup> that this determination is res judicata with respect to all persons, and that consequently the property in question cannot be used as a studio site. In view of the fact that Sherwood did not report this zoning decision to the Commission, Strafford avers that a Rule 1.65 issue is also warranted on this basis (citing Dale A. Owens, 56 FCC 2d 482, 35 RR 2d 508 (Rev. Bd. 1975)). Finally, petitioner argues that a misrepresentation issue is warranted since, by specifying its proposed site in its application, Sherwood impliedly represented that it had obtained reasonable assurance of the site's availability (citing *Lake Erie Broadcasting Co.*, 31 FCC 2d 45, 22 RR 2d 647 (Rev. Bd. 1971); *William F. Wallace*, 49 FCC 2d 1424, 32 RR 2d 105 (Rev. Bd. 1974)). The Broadcast Bureau, in its partial opposition, supports addition of site availability and Rule 1.65 issues on the basis of the adverse zoning decision, but avers that petitioner's allegations are insufficient to warrant the addition of a misrepresentation issue.

10. The Review Board will add the requested site availability and Rule 1.65 issues. First, while Sherwood has, with its opposition, submitted an affidavit by the present owner of its proposed site, Mary L. Moore, which establishes that she agreed to lease this property to Sherwood for use as an FM transmitter site, this agreement expired as of September 1, 1976, and consequently submission of a new agreement is necessary to a finding that the site is currently available. More important, Sherwood has not satisfactorily answered questions raised by the August 11, 1975 zoning decision. Rather, in response to these allegations, Sherwood has merely contended that the zoning decision is subject to attack, inter alia, on the grounds of lack of notice and reasonable opportunity to be heard and that Sherwood will pursue its available remedies in an attempt to obtain a favorable determination. However, as we held in *WLCY-TV, Inc.*, 43 FCC 2d 818, 28 RR 2d 997 (Rev. Bd. 1973), the ordinary presumption of zoning authority for construction of a broadcast studio is effectively rebutted by the adverse initial decision of a zoning agency, whether or not the applicant intends to exhaust its administrative or judicial remedies. See also *Salem Broadcasting Co., Inc.*, 40 FCC 2d 458, 26 RR 2d 1565 (Rev. Bd. 1973). Furthermore, the availability of an applicant's proposed site is clearly a matter of decisional significance. As to the requested misrepresentation issue, to the extent that it is based on intentional concealment of the adverse zoning decision, this matter can be explored under the Rule 1.65 issue being specified herein,

<sup>21</sup> Petitioner has attached a letter, dated August 11, 1975, from the Rochester Zoning Board of Adjustment to Willis J. Moore informing him of the denial.

and thus we see no need for designating a separate issue on this basis. However, to the extent that this issue is based on Sherwood's specification of its proposed site, petitioner's request must be denied, since the affidavits of Willis and Mary Moore (included with Sherwood's opposition), establish that each agreed to lease Sherwood the property in question for use as an FM studio.<sup>24</sup>

#### SUBURBAN<sup>25</sup> AND RELATED MISREPRESENTATION ISSUES

11. Strafford also requests issues to determine whether Sherwood made misrepresentations regarding its community leader survey and to determine whether Sherwood's ascertainment showing meets Commission requirements. In support of the requested misrepresentation issue, petitioner has attached the affidavits of six of the community leaders allegedly interviewed by Sherwood who state that they have no recollection of having been contacted,<sup>26</sup> and of four additional persons some of whom state, in effect, that though they were interviewed, the discussion was too brief and superficial to be considered meaningful.<sup>27</sup> Noting that the Commission's Primer on Ascertainment of Community Problems by Broadcast Applicants (Primer), 27 FCC 2d 650, 21 RR 2d 1507 (1971), makes "meaningful" communication between the applicant and community leaders the key-stone of its interview requirements, petitioner asserts that each of the foregoing affidavits raise serious questions regarding the bona fides of Sherwood's Suburban showing (citing Faulkner Radio, Inc., 15 FCC 2d 780, 15 RR 2d 285 (1968)). Strafford bases its request for a Suburban or ascertainment issue, first, on an assertion that only 41 of Sherwood's 103 interviewees are identifiable as community leaders from the face of Sherwood's application (citing Primer, supra, Q. & A. 20). Second, petitioner avers that Sherwood has interviewed only one woman leader and no representatives of labor unions, students, or French speaking persons of foreign stock, even though it apparently identified each of these groups as significant segments of the Rochester area population (citing Philadelphia Broadcasting Co., 51 FCC 2d 361, 32 RR 2d 1300 (Rev. Bd. 1975); Maranatha, Inc., 56 FCC 2d 473, 35 RR 2d 475 (Rev. Bd. 1975)). The Broadcast Bureau, in its partial opposition, submits that, absent a satisfactory explanation by Sherwood regarding the six per-

<sup>24</sup> Lake Erie Broadcasting Co., supra, and William F. Wallace, supra, cited by petitioner, are distinguishable since in those cases the applicants specified transmitter sites without first obtaining purchase or lease agreements with the property owners. In the instant case, Willis Moore's affidavit establishes that he agreed to lease his property to Sherwood well before the October 1973 filing of Sherwood's application.

<sup>25</sup> Suburban Broadcasters, 30 FCC 1021, 20 RR 951 (1961), affirmed sub nom. Henry v. F.C.C. 112 U.S. App. D.C. 257, 302 F.2d 191, cert. denied 371 U.S. 821 (1962).

sons specified as community leaders in its application who state they have no recollection of having been interviewed, a misrepresentation issue is warranted on this basis. The Bureau also concurs in petitioner's view that a Suburban issue is warranted, although it would base this issue solely on Sherwood's failure to interview leaders representative of significant groups in the Rochester area, contending that petitioner's remaining allegations fail to meet the specificity requirements of Rule 1.229(c).

12. In response, Sherwood has attached the affidavit of its principal, J. Sherwood Bent, who states that, with one exception, he did personally interview each of the six individuals mentioned in Strafford's petition, regarding the problems and needs of the Rochester community. In support, petitioner has attached the affidavits of three of these individuals,<sup>28</sup> one of whom now recalls the interview, and two of whom recognize the handwriting on their interview forms as their own and their employee's, respectively, and, therefore, presume that personal interviews must have taken place. Sherwood alleges that another of the individuals, a Mr. Gustafson, did not have time for a personal interview when approached by Bent, but contends that Gustafson did return the interview form left with him bearing what appeared to be his personal signature. With regard to the remaining two persons, Sherwood notes that neither has definitively stated that an interview did not take place, and argues that since these contacts occurred over two and one-half years ago, their failure to recall the event is understandable. With respect to allegations regarding those persons who recall having been interviewed but who did not consider the dialogue meaningful, Sherwood avers that, as a matter of law, these contentions do not provide an adequate basis for a misrepresentation issue. Turning to petitioner's request for a Suburban issue, Sherwood merely states that it has undertaken a "significant upgrading" of its ascertainment effort, which will be filed with the Commission in the near future.<sup>29</sup>

13. The Review Board will deny the requested misrepresentation issue. As noted above, of the six community lead-

<sup>24</sup> Included are affidavits of Nelson Goodfield, David Bennett, Charles Herve, Robert Beranger, Nancy Liebson and Robert Gustafson. However, see para. 12, infra.

<sup>25</sup> In this regard, petitioner submits the affidavits of George Shevenell (stating that the interview "primarily centered around the acceptance of an FM station"); George Stearns (characterizing the interview as "short"); Robert H. Wass (stating "the interview could not be called meaningful"); and Louis Bergeron (who does not recall the content of the discussion).

<sup>26</sup> In this regard, Sherwood has attached the affidavits of Goodfield, Beranger and Herve.

<sup>27</sup> This amendment was filed on April 22, 1976, and has been accepted by the presiding Administrative Law Judge by Order, FCC 76M-716, released June 3, 1976.

ers who originally submitted affidavits stating that they did not recall having been interviewed, one affiant now recalls having been contacted and another has identified his handwriting on Sherwood's interview form, thereby adequately substantiating that an interview did take place.<sup>30</sup> Consequently, of the 103 community leaders listed in Sherwood's survey, questions have been raised regarding the bona fides of only four of these representations.<sup>31</sup> In the past, where such a small percentage of an applicant's interviews were in doubt, the Commission and the Board have generally held that a misrepresentation issue is not warranted. See Lake Radio, Inc., 42 FCC 2d 737, 23 RR 2d 587 (Rev. Bd. 1973) (two out of 45); Childress Broadcasting Corp. of West Jefferson, FCC 70-1032, 20 RR 2d 335 (1970) (two out of 50). Moreover, in this case, rather than definitively stating that an interview did not take place, each of the affiants merely asserts that he or she does not recall being contacted some two to two and one-half years earlier. It is reasonable to assume that the passage of time or the cursory nature of the contacts may satisfactorily account for this lack of recollection. Cf. CBS, Inc., 49 FCC 2d 1214, 32 RR 2d 271 (Rev. Bd. 1974). Compare California Stereo, Inc., 39 FCC 2d 401, 26 RR 2d 887 (Rev. Bd. 1973). Moreover, while Sherwood has acknowledged that Mr. Gustafson did not have time for a personal interview, and chose instead to return his interview form by mail, we do not believe that Sherwood's error in listing this person as having been personally interviewed is in itself sufficient to evidence an intent to mislead the Commission. Cf. Great Southwest Media Corp., 46 FCC 2d 1142, 30 RR 2d 378 (Rev. Bd. 1974).<sup>32</sup>

14. On the other hand, we believe that a substantial question has been raised regarding the adequacy of Sherwood's

<sup>28</sup> As to the interviewee who identified the handwriting of his employee on the interview form, we do not believe that this fact satisfactorily establishes that a personal interview actually was held.

<sup>29</sup> As to the four community leaders in Sherwood's application who have challenged either the duration or content of their interviews (see note 24, supra), while under certain circumstances such allegations might provide the basis for a Suburban issue, they are not sufficient to raise a substantial question regarding intentional misrepresentation. In William E. Gaston, 35 FCC 2d 624, 24 RR 2d 779 (Rev. Bd. 1972) and Click Broadcasting Co., 19 FCC 2d 497, 17 RR 2d 164 (Rev. Bd. 1969), cited by petitioner, similar allegations gave rise to Suburban rather than misrepresentation issues.

<sup>30</sup> Faulkner Radio, Inc., supra, cited by petitioner, is distinguishable, since in that case 14 out of 23 community leaders interviewed (or more than one-half) denied having been contacted. Moreover, in our view, Western Television Co., 50 FCC 2d 453, 32 RR 2d 350 (Rev. Bd. 1974), cited by petitioner in its reply pleading, is also distinguishable since in that case it appears that the alleged interviewees definitively denied having been contacted by the applicant only three months after the interviews purportedly took place.

ascertainment showing. While Sherwood's application, as amended on April 22, 1976 (see note 25 and accompanying text, supra), serves to adequately identify the persons interviewed as holding positions of leadership within the community, the applicant appears to have failed to satisfactorily survey community leaders representative of two significant segments of the Rochester population.<sup>21</sup> First, Sherwood has interviewed only one leader of a woman's group despite the fact that its demographic information reveals that women constitute over 50% of the Rochester population. See Primer, Q. & A. 10.<sup>22</sup> While, as a general matter, we refrain from judging the numerical sufficiency of an applicant's sampling of a minority or other distinct population grouping, it is clear that an applicant's efforts may be drawn into question when its contacts are so meagre as to preclude a finding of representativeness. *J. Sherwood Inc., FCC 76R-266, -- RR 2d -- (1976)*; *Azalea Corp., 38 FCC 2d 95, 25 RR 2d 975 (1972)*. In our view, a single contact cannot be characterized as a representative sampling of the needs and interests of women in the Rochester community. Cf. *Great Southwest Media Corp., supra*. Second, although Sherwood's February 18, 1975 demographic information characterized Rochester's French speaking population of foreign stock as "significant and distinctive", no interviews have apparently been held with representative leaders of this group. While Sherwood's April 22, 1976 demographic showing has omitted references to this group, absent some explanation for the deletion, we must presume that this segment of the Rochester population retains its significant character. Accordingly, the failure to interview appropriate leaders appears to constitute a violation of the Commission's Primer. See Primer, supra, Q. & A. 13(a), 16.<sup>23</sup>

#### NETWORK AFFILIATION AND RELATED MISREPRESENTATION ISSUES

15. Next, Strafford alleges that, though Sherwood proposes an ABC radio net-

<sup>21</sup> We note that, in reaching this conclusion, we have relied solely on the "substitute survey exhibits" contained in Sherwood's April 22, 1976 amendment to its application.

<sup>22</sup> In view of the fact that the applicant has apparently made no effort to ascertain the distinctive groupings encompassed within Rochester's female population, representative women "leaders" must be limited to those concerned with women's problems and issues generally. Cf. *American Broadcasting Co., Inc., 52 FCC 2d 98, 33 RR 2d 305 (1975)*. In our view the only interviewee so qualifying is the leader of a women's business and professional organization. As to Sherwood's interviews with women representing various other community groups and interests, we must presume that these persons were questioned from the perspective of the group to which they belong, and therefore they do not augment Sherwood's showing in this regard. Cf. *Town and Country Radio, Inc., 53 FCC 2d 401, 33 RR 2d 1589 (Rev. Bd. 1975)*.

<sup>23</sup> The Board does not believe that petitioner's remaining allegations regarding defects in Sherwood's community leader survey require further inquiry.

work affiliation, inquires addressed to ABC personnel have revealed that its files contain no evidence of an actual or tentative affiliation agreement with the applicant. Noting that Sherwood proposes to rely on network programming as its primary source of national and international news, petitioner asserts that network affiliation and misrepresentation issues are warranted.

16. The Review Board, in concurrence with the position of the Broadcast Bureau, will deny the requested issues. Petitioner has neither attached affidavits by the ABC personnel with whom it allegedly spoke regarding Sherwood's proposed affiliation, nor has it set forth other specific facts which would indicate that would indicate that Sherwood does not have reasonable assurance of ultimately obtaining its proposed network affiliation. Consequently, petitioner's allegations fail to conform to the requirements of Rule 1.229(c) and the requested network affiliation issue must be denied. Compare *Western Communications, Inc., 39 FCC 2d 1077, 26 RR 2d 1456 (Rev. Bd. 1973)*; *Belo Broadcasting Corp., 42 FCC 2d 1011, 28 RR 2d 732 (Rev. Bd. 1973)*. As to the alleged misrepresentation, Sherwood has stated, in its opposition, that it spoke with ABC network officials in September 1973 and understood that it should have no difficulty obtaining the desired affiliation after it had a construction permit. Though Sherwood acknowledges that it has not entered into a network affiliation agreement, it avers that by specifying an ABC affiliation in its application it merely intended to indicate that it would use its best efforts to consummate an agreement once a construction permit was obtained. Sherwood's explanation in this regard has not been challenged and, in our view, it adequately rebuts an inference of intentional misrepresentation. *Western Communications, Inc., supra*.

#### LEGAL QUALIFICATIONS AND RELATED MISREPRESENTATION ISSUES

17. In support of its final request, petitioner has attached a letter from New Hampshire's Deputy Secretary of State, dated October 22, 1975, which states that J. Sherwood, Inc. is not in good corporate standing. Strafford contends that legal qualifications and misrepresentation issues are warranted on this basis, since Sherwood is prosecuting its application as a corporate entity. In response, Sherwood asserts that it lacks corporate "good standing" simply because it did not file its April 1975 annual return. Sherwood states that all appropriate documents have now been filed, that it should receive a certificate of good standing in due course and that this document will be filed with the Commission as soon as it is received. The Bureau, in its partial opposition, supports the addition of a legal qualifications issue, but opposes petitioner's related misrepresentation request.

18. The Board will not add the requested issues. It appears that, by failing to file its annual return Sherwood has merely violated a technical state

requirement which can easily be cured by filing the necessary information. Consequently, a substantial question has not been raised regarding its legal qualifications. We note, however, that if Sherwood should fail to file a certificate of corporate good standing within a reasonable period of time, petitioner may reassert its request, and an appropriate issue may be warranted at that time. As to the requested misrepresentation issue, though Sherwood has filed amendments, under its corporate title subsequent to losing corporate "good standing" on April 1975, as we noted above, it does not appear that Sherwood's legal qualifications are in serious jeopardy and, consequently, we do not believe that a substantial question of misrepresentation has been raised.

19. Accordingly, it is ordered, That the request for Official Notice, filed February 13, 1976, by J. Sherwood, Inc., is granted; and

20. It is further ordered, That the petition to enlarge issues, filed November 12, 1975, by Strafford Broadcasting Corporation, is granted to the extent indicated herein, and is denied in all other respects; and

21. It is further ordered, That the issues in this proceeding are enlarged to include the following issues:

(a) To determine with respect to the application of J. Sherwood, Inc., the reasonableness of its estimated studio construction and remodeling costs and whether it will have available sufficient funds to meet these costs;

(b) To determine whether J. Sherwood, Inc., will have available sufficient funds to sustain its proposed station during the second year of operation;

(c) To determine in light of the evidence adduced under issues (a) and (b) whether J. Sherwood, Inc., is financially qualified to construct and operate its proposed station;

(d) To determine whether J. Sherwood, Inc. has a reasonable expectancy of obtaining permission from the current owner of its proposed site and from the Rochester Zoning Board to construct its proposed broadcasting tower and studio.

(e) To determine whether J. Sherwood, Inc. has failed to comply with Section 1.65 of the Commission's rules with respect to the August 11, 1975 adverse zoning decision by the Rochester Zoning Board, and, if so, to determine the effect on its basic and/or comparative qualifications;

(f) To determine whether J. Sherwood, Inc. has interviewed community leaders representing the significant groups listed in its community survey; and whether, in light of the evidence adduced thereto, the applicant has complied with the Commission's ascertainment Primer.

22. And, it is further ordered, That the burden of proceeding under issue (e) shall be on Strafford Broadcasting Corporation; and that the burden of proceeding under issues (a), (b), (d), and (f), and the burden of proof under all of

the issues added herein shall be on J. Sherwood, Inc.

FEDERAL COMMUNICATIONS  
COMMISSION.  
VINCENT J. MULLINS,  
Secretary.

[FR Doc. 76-37838 Filed 12-23-76; 8:45 am]

### FEDERAL MARITIME COMMISSION

#### EAST ASIATIC COMPANY LIMITED AND BARBER-BLUE SEA LINE

##### Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before January 17, 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:

Stanley O. Sher, Esq.,  
Billig, Sher & Jones, P. C.,  
2033 K Street, N.W.—Suite 300,  
Washington, D.C. 20006.

Agreement No. 10272 would permit The East Asiatic Company Limited and Barber-Blue Sea Line to coordinate their sailings in the eastbound trades from the People's Republic of China, Hong Kong, Vietnam, Cambodia, Laos, Thailand, East and West Malaysia, Sarawak, Brunei, Singapore, Indonesia (including West Irian), Korea, Philippines, Japan, Taiwan, Portuguese Timor and New Guinea Papua to U.S. Pacific Coast ports (including Hawaii and Alaska) and Canada. Additionally, in the case of any of the trades, supra, where the rates, charges and practices are not prescribed by any conference of which the parties are mem-

bers, the parties may file a common tariff containing appropriate rates, charges and practices applying to cargo moving directly or via transshipment from ports and points in the named countries to U.S. Pacific Coast ports and Canada and inland points via such ports. The agreement further provides that each party shall issue its own bills of lading and that there will be no pooling or sharing of profits or losses.

By Order of the Federal Maritime Commission.

Dated: December 21, 1976.

FRANCIS C. HURNEY,  
Secretary,

[FR Doc. 76-37905 Filed 12-23-76; 8:45 am]

### MED-GULF CONFERENCE

##### Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before January 17, 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:

Stanley O. Sher, Esquire, Billig, Sher & Jones, P.C., Suite 300, 2033 K Street, N.W., Washington, D.C. 20006.

Agreement No. 9522-30, among the members of the above-named conference, permits the conference to consult, cooperate and agree with other conferences concerning inland European rates, brokerage, rules, charges and practices, and policing and enforcement thereof, including the filing of inland tariffs.

By Order of the Federal Maritime Commission.

Dated: December 21, 1976.

FRANCIS C. HURNEY,  
Secretary.

[FR Doc. 76-37907 Filed 12-23-76; 8:45 am]

### R.C.D. SHIPPING SERVICES AGREEMENT

##### Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before January 17, 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:

L. A. Parish, Agent, L. A. Parish Company,  
61 Saint Joseph Street, P.O. Box 231, Mobile, Alabama 36601.

Agreement No. 9490-7, among the members of the above-named agreement, amends the basic agreement by deleting Pan Islamic Steamship Co., Ltd. and Muhammadi Steamship Co., Ltd., from membership and adding Pakistan Shipping Corporation to membership.

By Order of the Federal Maritime Commission.

Dated: December 21, 1976.

FRANCIS C. HURNEY,  
Secretary.

**FEDERAL POWER COMMISSION  
CERTAIN NATIONAL GAS ADVISORY  
COMMITTEES AND TASK FORCES**

**Continuations**

The Chairman of the Federal Power Commission has determined that continuation of the National Gas Survey's Reserves and Resources Classifications Subgroup, Nonconventional Natural Gas Resources Task Force, Synthesized Gaseous Hydrocarbon Fuels Task Force, Regulatory Aspects of Substitute Gas Task Force, Rate Design Task Force, Impact of Gas Shortage on Consumers Task Force, Efficiency in the Use of Gas Task Force and the Finance Advisory Committee and Curtailment Strategies Advisory Committee is necessary in the public interest in connection with completion of efforts of the above-named groups and with the performance of duties imposed by law upon the Commission.

This notice is published pursuant to Commission General Order No. 464, issued December 19, 1972, 38 FR 1083, as amended by Commission General Order No. 464-A, issued August 2, 1974, and authorities referred to therein, 39 FR 28929. See also Office of Management and Budget, Advisory Committee Management, Circular A-63 Revised, March 27, 1974, as amended July 19, 1974.

The ad hoc task forces proposed to be continued herein were initially established by Commission Order issued September 15, 1975. Order Establishing National Gas Survey Technical Advisory Committee and Technical Advisory Task Forces and Designating Initial Membership, 40 FR 43956. An Order Renewing National Gas Survey Executive Advisory Committee, Coordinating Committee and Certain Technical Advisory Committees and Task Forces was issued November 8, 1976, 41 FR 50505, renewing the aforementioned task forces to and including a date not later than December 24, 1976 as necessary in the public interest in connection with the performance of duties imposed by law upon the Commission. An Order Establishing National Gas Survey Advisory Committee was issued November 11, 1976, 41 FR 50729, to continue for a period of two years from that date and terminating on a date not later than November 11, 1978.

Since all members of the committees and task forces which were extended by the November 8, 1975 Order were also named as members of the National Gas Survey Advisory Committee established by the November 11, 1976 Order, the Chairman of the Federal Power Commission has further determined that the work of the aforementioned task forces and committees can be continued by ad hoc task forces of the National Gas Survey Advisory Committee. The subject committees and task forces when renewed as ad hoc task forces would function as set forth in the aforementioned orders for such additional period of time as necessary to complete their work.

The Office of Management and Budget, Advisory Committee Management, has

ascertained that continuation of the ad hoc task forces as set forth above is in accord with the requirements of the Federal Advisory Committee Act, 86 Stat. 770. Continuation of these task forces until completion of their final reports will be reflected in an appropriate Commission Order hereafter issued.

**RICHARD L. DUNHAM,**  
*Chairman.*

[FR Doc.76-37792 Filed 12-21-76; 10:53 am]

[Docket Nos. RP77-7 and RP72-157 (PGA77-1a and R. & D. 77-1a)]

**CONSOLIDATED GAS SUPPLY CORP.**

**Order; Correction**

DECEMBER 13, 1976.

In the Order Accepting For Filing and Suspending Certain Tariff Sheets, Accepting and Permitting Other Tariff Sheets to Become Effective, Subject to Refund, Consolidating Proceedings, and Establishing Procedures, issued November 24, 1976, published in the FEDERAL REGISTER on December 3, 1976, 41 FR (53104), in the referenced docket referred in footnote 1 to:

\* \* \* Sixth Revised Sheet Nos. 8 and 9 \* \* \*

The correct tariff sheet designation is: \* \* \* Sixteenth Revised Sheet Nos. 8 and 9 \* \* \* The order should be changed accordingly.

**KENNETH F. PLUMB,**  
*Secretary.*

[FR Doc.76-37797 Filed 12-23-76; 8:45 am]

[Docket Nos. CP73-47, et al., No. CP73-148, and No. CP74-122]

**EASCOGAS LNG, INC., ET AL.**

**LNG Importation; Order Granting Motion for Consolidation**

DECEMBER 15, 1976.

In the matter of Easogas LNG, Inc., et al., Energy Pipeline Corp. (Distrigas Pipeline Corp., Energy Terminal Services Corp. (Distrigas of New York Corp.))

On November 8, 1976, Energy Pipeline Corporation (Energy Pipeline) and Energy Terminal Services Corporation (Energy Terminal) jointly filed a motion requesting consolidation of their respective applications in Docket Nos. CP73-148 and CP74-122 with the pending proceedings in Easogas LNG, Inc., Docket Nos. CP73-47, et al. Energy Terminal's amended application to construct and operate a liquefied natural gas (LNG) storage terminal on Staten Island, New York, and Energy Pipeline's related amended application to construct and operate appurtenant pipeline facilities, were filed November 8, 1976.<sup>1</sup> The instant motion states that the facilities proposed in the amended applications are to be used for the receipt, storage, and delivery of the LNG volumes which are the sub-

<sup>1</sup> Notice of the amended applications was issued November 16, 1976, whereby November 26 was set as the due date for protests and petitions to intervene.

ject of Easogas' application in CP73-47, and requests that the separate dockets therefore be consolidated for further hearings and ultimate decision.

Energy Pipeline's and Energy Terminal's amended applications essentially reflect a change in ownership (together with updated exhibits) in the facilities originally proposed by Distrigas Pipeline Corporation and Distrigas of New York Corporation in the same respective dockets. Distrigas Pipeline's application in CP73-148 was filed November 15, 1972, and Distrigas of New York's application in CP74-122 was filed November 2, 1973.<sup>2</sup> By order of December 23, 1973, in Docket Nos. CP73-78, et al., hearings were convened on the various Distrigas proposals, including those in CP73-148 and CP74-122, on February 11, 1974. Subsequently, however, due to renegotiations on the gas supply contract, Distrigas filed a series of motions for extensions of time within which to file their direct case in those proceedings. Distrigas eventually withdrew its application to import LNG into the Staten Island terminal, and hearings were never concluded. In the interim, the Commission Staff issued its Final Environmental Impact Statement for the Staten Island terminal operations, including Easogas' proposed import, and submitted that document as an exhibit in the Easogas proceedings.

Distrigas of New York's application in CP74-122 was initially filed under protest in order to reserve the Applicant's right to challenge the Commission's assertion of jurisdiction over the subject facilities. Distrigas, however, subsequently withdrew its protest and challenge to Commission jurisdiction, and Energy Terminal's recent amended application in the same docket is not filed under protest.

As Energy Pipeline and Energy Terminal's motion notes, their proposed Staten Island operations are an integral part of the Easogas project, in that the latter is dependent on the use of the former. The Staff itself, and all parties by their lack of objection to the environmental procedure, acknowledged as much in issuing one, joint Impact Statement covering both the proposed Easogas importation, and the then—Distrigas Staten Island operations. Full consolidation of the entire records was not previously granted due primarily to the desire of the party Applicants to keep the Easogas and Distrigas proceedings separate. The Commission now believes, however, in light of Distrigas' withdrawal of its own proposal to import gas to Staten Island, the removal of the "under protest" cloud on the CP74-122 application, and based on this motion now before us, that the common issues of law and fact involved in these proceedings compels us to consolidate Docket Nos. CP73-148 and CP74-122 with the proceedings in CP73-47, et al., for purposes of further hearing and decision. Attendant to the consolidation, we shall also direct the record heretofore established in the Staten Island terminal operations to be incorporated as part of the record

in CP73-47, et al. In so doing, we are not unmindful of the likelihood of the record therein being stale due to the long pendency of those proceedings, a possibility we recognized as early as November 14, 1974, in granting one of Distrigas' extensions of time.<sup>2</sup> We leave to the parties and Presiding Judge, however, to determine the appropriate level of weight and relevance to be given that record. Finally, all parties previously granted intervention in the Distrigas proceedings shall hereby be accorded similar status in the CP73-47 Easogas proceedings.

The Commission finds: (1) It is necessary and appropriate to grant the relief requested by the Motion filed November 8, 1976, by Energy Pipeline Corporation and Energy Terminal Services Corporation, and consolidate the proceedings in Docket Nos. CP73-148 and CP74-122 with the pending proceedings in Docket Nos. CP73-47, et al. (2) It is desirable and in the public interest to allow parties previously granted intervention in Docket Nos. CP73-148 and CP74-122 to be granted intervention status in CP73-47, et al. (3) It is appropriate to incorporate the record heretofore established in CP73-132, et al., as it relates to the Staten Island terminal operations proposed in Docket Nos. CP73-148 and CP74-122 into the record in CP73-47, et al., subject to argument to the parties as to the relative weight to be given such prior evidence.

The Commission orders: (A) The motion filed November 8, 1976 by Energy Pipeline and Energy Terminal is granted, and Docket Nos. CP73-148 and CP74-122 are hereby consolidated for further hearing and decision with the pending proceedings in Docket Nos. CP73-47, et al. (B) All parties previously granted intervention in Docket Nos. CP73-148 and CP74-122 are permitted to intervene in Docket Nos. CP73-47, et al. (C) The record established to date in Docket Nos. CP73-132, et al., as it relates to the Staten Island terminal operations proposed in Docket Nos. CP73-148 and CP74-122, is hereby incorporated as part of the record in CP73-47, et al.

By the Commission.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.76-37795 Filed 12-23-76;8:45 am]

[Docket No. ER77-97]

#### NEW ENGLAND POWER CO.

#### Filing of Proposed Changes in Rates and Charges

DECEMBER 15, 1976.

Take notice that on December 6, 1976, New England Power Company (NEPCO) filed revised tariff sheets constituting a new Rate R-11 for its Primary Service for Resale and its Contract Demand

<sup>2</sup> Order Conditionally Granting Motions for Further Extensions of Time, issued November 14, 1974, in Distrigas Corporation, Docket Nos. CP73-132, et al., p. 2.

Service (CD). NEPCO requests waiver of the notice provisions in order to place its R-11 rates in effect January 1, 1977. Alternatively, NEPCO requests an effective date of February 1, 1977.

NEPCO states that its R-11 rate is in two parts, i.e., primary and CD services, and, in accordance with the Settlement agreement approved by this Commission in Docket No. ER76-148, the rates for both services are based on the same cost of service. The proposed demand charges for the primary service will decrease from \$6.43 to \$6.38 per kilowatt of demand and the energy charge will decrease from 17.8 mills to 17.7 mills per kilowatt-hour. For the CD service, the proposed demand charge will increase from \$7.01 to \$8.52 per kilowatt of demand with the energy charge remaining at 14.0 mills per kilowatt-hour. NEPCO states that, based on calendar year 1977 as a test period, the effect of the proposed R-11 rates will be to decrease annual revenues by approximately \$239,000—an increase of \$2,934,150 to CD service and a decrease of \$3,173,517 to the primary service.

Any person desiring to be heard or to make any protest with reference to this filing should, on or before December 31, 1976, file with the Federal Power Commission, 825 North Capitol Street, Washington, D.C. 20426, petitions to intervene or protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All 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 the filing and supporting documents are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.76-37794 Filed 12-23-76;8:45 am]

[Docket Nos. RP77-9; RP71-16 (PGA11-1); RP72-140 (PGA77-1); and RP72-154 (PGA77-2)]

#### PACIFIC GAS TRANSMISSION CO. ET AL.

#### Pipeline Rates: Order

DECEMBER 17, 1976.

In the matter of Pacific Gas Transmission Co., Midwestern Gas Transmission Co., Great Lakes Gas Transmission Co., and Northwest Pipeline Corp.

In the matter of order accepting for filing and making effective without suspension proposed rate increases and granting interventions.

On June 10, 1976, the Canadian Government announced increases in the price of natural gas exported from Canada to the United States. The price was increased from \$1.60 to \$1.80 per MMBtu effective as of September 10, 1976, and from \$1.80 to \$1.94 per MMBtu effective as of January 1, 1977. By order issued on September 9, 1976, the Commission au-

thorized the four pipelines listed in the caption of this order to flow-through the September 10 price increases to their customers in the United States. These pipelines now request authorization to commence charging the mandated rate of \$1.94 per MMBtu effective January 1, 1977. For the reasons set forth below, the requested authorization shall be granted.

On November 2, 1976, Pacific Gas Transmission Company (Pacific Gas) filed for authorization to include the \$1.94 rate in its cost of service charges to Pacific Gas & Electric Company effective January 1, 1977. Pacific Gas' filing is made pursuant to the Commission's order issued in Docket No. RP73-111 on September 3, 1974, requiring the company to request Commission approval before including the effect of Canadian price increases in its cost of service rate.

Notice of Pacific Gas' filing was issued on November 11, 1976, providing for protests or petitions to intervene to be filed on or before December 1, 1976. Petitions to intervene were filed on December 1, 1976, by Pacific Gas and Electric Company, and on December 2, 1976, by the People And Public Utilities Commission of California. These interventions will be granted.

On the basis of annual purchases of 386 million Mcf per year, as adjusted to reflect a Btu content of 1045 Btu per Mcf and an assumed exchange rate of 1.0168, Pacific Gas estimates that its purchased gas costs will increase by \$57,421,000 annually (U.S.) on January 1, 1977.

Midwestern Gas Transmission Company (Midwestern) filed on October 29, 1976, pursuant to its tariff PGA clause, for authorization to include in its rates the \$1.94 (Canadian) border price as of January 1, 1977. Notice of Midwestern's filing was issued on November 8, 1976, providing for protests or petitions to intervene to be filed on or before November 30, 1976. On November 26, 1976, a petition to intervene was filed by Wisconsin Gas Company. Wisconsin's petition shall be granted.

Information and supporting materials included in Midwestern's filing show that under its three contracts with its Canadian supplier, Midwestern's cost of purchased gas will increase by \$16,527,587 annually. Based on annual sales of 115,103,262 Mcf, this represents an increase of 14.36 cents per Mcf.

Great Lakes Gas Transmission Company (Great Lakes) filed on November 9, 1976, pursuant to its tariff PGA clause, for authorization to include in its rates the \$1.94 (Canadian) border price as of January 1, 1977. Notice of Great Lakes' filing was issued on November 18, 1976, providing for protests or petitions to intervene to be filed on or before December 9, 1976. No comments have been received in response to the notice.

Information and supporting materials included in Great Lakes' filing show that under its three contracts with its Canadian supplier, Great Lakes' cost of purchased gas will increase by \$13,570,000 annually. Based on annual sales of 89,727,630 Mcf, this represents an increase of 12.483 cents per Mcf.

Northwest Pipeline Corporation (Northwest) filed on November 17, 1976, pursuant to its tariff PGA clause, for authorization to include in its rates the \$1.94 (Canadian) border price as of January 1, 1977. Notice of Northwest's filing was issued on December 1, 1976, providing for protests or petitions to intervene to be filed on or before December 15, 1976. On December 9, 1976, Northwest Natural Gas Company petitioned to intervene in Docket No. RP72-154. Northwest Natural's petition will be granted.

Information and supporting materials included in Northwest's filing show that purchased gas costs at its two import points, Sumas and Kingsgate, will increase by \$38,239,068 annually. Based on annual sales of 4,051,373,316 therms, this represents an increase of 0.944 cents per therm.

Northwest also requested that its PGA filing be consolidated with its petition filed on October 12, 1976, to amend its import authorization in Docket Nos. CP75-341 and CP75-342. Necessary modifications of the import authorizations of the importing pipelines, including Northwest, will be granted by separate order. Upon review of the filings discussed above, the Commission finds that the requested authorizations should be granted. The pipelines' related tariff sheets will therefore be accepted for filing and permitted to become effective as requested on January 1, 1977.

*The Commission orders:* (A) Pacific Gas is authorized to include in its cost of service charges a cost of gas purchased from its Canadian supplier of \$1.94 (Canadian) per MMBtu, effective on January 1, 1977.

(B) Midwest's Sixteenth Revised Sheet No. 9 to its FPC Gas Tariff, Third Revised Volume No. 1, is accepted for filing and permitted to become effective on January 1, 1977.

(C) Great Lakes' Twenty-First Revised Sheet No. 57 to its FPC Gas Tariff, First Revised Volume No. 1, is accepted for filing and permitted to become effective on January 1, 1977.

(D) Northwest's Substitute Fourteenth Revised Sheet No. 10 to its FPC Gas Tariff, Original Volume No. 1, is accepted for filing and permitted to become effective on January 1, 1977.

(E) Wisconsin Gas Company is permitted to intervene in the proceeding in Docket No. RP71-16 (PGA77-1), subject to the Commission's Rules and Regulations.

(F) Pacific Gas and Electric Company and the People and Public Utilities Commission of California are permitted to intervene in the proceeding in Docket No. RP77-9, subject to the Commission's rules and regulations.

(G) Northwest Natural Gas Company is permitted to intervene in Docket No. RP72-154 (PGA77-2), subject to the Commission's Rules and Regulations.

(H) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.76-37853 Filed 12-23-76;8:45 am]

[Docket No. ER77-59]

#### SUPERIOR WATER, LIGHT & POWER CO.

#### Electric Rates: Order Accepting Proposal for Filing, Suspending, Consolidating, and Establishing Procedures

DECEMBER 15, 1976.

On November 15, 1976, the Superior Water, Light and Power Company (Superior) tendered for filing revised rates for service to its single wholesale customer, Dahlberg Light and Power Company (Dahlberg), resulting in increased revenues of \$164,473 (14.90 percent) for the 12 month period succeeding the proposed effective date of December 15, 1976.

In addition to increasing the demand and energy charges, the proposed rates would provide for a Power Supply Adjustment Clause to replace the existing fuel clause. The clause would adjust billings to Dahlberg for changes in generation and demand and energy related costs of purchased power.

Superior states that the proposed increase is necessary in order to recover a proportionate share of the increase in costs of its power purchased from Minnesota Power and Light Company (MP&L) due to MP&L's proposed rate increase in Docket No. ER76-827. By Commission order issued August 27, 1976, MP&L's increase was suspended for 30 days to become effective September 30, 1976. Inasmuch as these proceedings involve common issues of law and fact, we shall consolidate them for purposes of hearing and decision.

Public notice of Superior's filing was issued on November 30, 1976, with all protests and petitions to intervene due on or before December 10, 1976. None have been received.

Commission review of the proposed rates indicates that they have not been shown to be just and reasonable and may be unjust, unreasonable, or otherwise unlawful. Accordingly the proposals should be accepted for filing and suspended for three months, to become effective subject to refund on March 16, 1977.

*The Commission finds:* (1) It is necessary and proper in the public interest and to aid in the enforcement of the Federal Power Act that the increases proposed in Docket No. ER77-59 be accepted for filing and suspended for three months, to become effective March 16, 1977, pending hearing and decision as to their lawfulness.

(2) Good cause exists to consolidate Docket Nos. ER76-827 and ER77-59.

*The Commission orders:* (A) Pursuant to the authority contained in the Federal Power Act, particularly Sections 205 and 206 thereof, the Commission's Rules of Practice and Procedure, and the Regulations under the Federal Power Act (18 CFR Chapter I), a public hearing shall be held concerning the justness and reasonableness of the rates proposed by Superior in Docket No. ER77-59 and by MP&L in Docket No. ER76-827.

(B) Pending a hearing and decision thereon, Superior's proposed rates tendered in Docket No. ER77-59 are hereby accepted for filing and suspended for three months, to become effective subject to refund on March 16, 1977.

(C) The proceedings in Docket Nos. ER76-827 and ER77-59 are hereby consolidated for hearing and for all other purposes.

(D) The Commission Staff shall prepare and serve top sheets on all parties in the proceedings in Docket Nos. ER76-827 and ER77-59 for purposes of settlement on or before March 1, 1977.

(E) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5 (d)), shall convene a settlement conference in these proceedings on a date certain within 10 days after the service of top sheets by the Staff, in a hearing room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. Said Presiding Administrative Law Judge is hereby authorized to establish all procedural dates and to rule upon all motions (with the exceptions of petitions to intervene, motions to consolidate and sever, and motions to dismiss), as provided for in the Rules of Practice and Procedure.

(F) Superior shall file monthly with the Commission the report on billing determinants and revenues collected under the presently effective rates and the proposed increased rates filed herein, as required by § 35.19a of the Commission Regulations, 18 CFR 35.19a.

(G) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER and shall serve a copy thereof on the wholesale customers of Superior and MP&L.

By the Commission.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.76-37796 Filed 12-23-76;8:45 am]

[Docket No. RI77-14]

#### S.C.C. GAS PRODUCING CO.

#### Petition for Special Relief

DECEMBER 15, 1976.

Take notice that on November 24, 1976, S.C.C. Gas Producing Company (S.C.C.),

10601 Shiloh Lane, Corpus Christi, Texas filed a petition for special price relief pursuant to § 2.76 of the Commission's regulations (18 CFR 2.76).

Petitioner seeks authorization to charge 76 cents per Mcf for the sale of gas from wells in Byrne and Fox Fields, Bee County, Texas presently sold to Trunkline Gas Company, P.O. Box 1642, Houston, Texas at 37.8 cents per Mcf. Petitioner states that the present rate makes this gas production uneconomical and the requested rate is necessary to avoid abandonment. Estimated production is 103600 Mcf over the next 3 years.

Any person desiring to be heard or to make any protest with reference to said petition should on or before January 10, 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 parties 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. 76-37798 Filed 12-23-76; 8:45 am]

[Docket No. ER77-13]

**PENNSYLVANIA ELECTRIC CO., ET AL.**

**Order Accepting for Filing Amended and New Schedules to Power Pooling Agreement and Establishing Hearing Procedures**

DECEMBER 16, 1976.

Pennsylvania Electric Company, Metropolitan Edison Company, Jersey Central Power & Light Company.

On October 8, 1976, General Public Utilities Corporation (GPU) submitted for filing unexpected revised and new supplements<sup>2</sup> to the power pooling agreement which would:

(1) Revise the method of allocating installed capacity obligations within the GPU system;

(2) Provide a method for allocating the investment responsibility for the Susquehanna-Eastern 500 kv transmission system;

(3) Revise the compensation for transmission losses incurred by the Metropolitan Edison (Met-Ed) system for the delivery of the output of Three Mile Island (TMI) Unit No. 1;

(4) Conform the contract to the basic PJM Interconnection Agreement.

Proposed Changes to Filed Rates: GPU states that the proposed method of allo-

cating installed capacity within GPU is required to conform with the allocation procedure utilized under the PJM agreement of which GPU is a member and because of the greater importance currently of summer peaks as compared to the average weekly peak load recognized in the existing method.

GPU has submitted Schedule 5.03 which provides a method for allocating the investment responsibility assumed by Met-Ed on behalf of itself and the other GPU companies for facilities associated with the Susquehanna-Eastern (S-E) 500 kv transmission systems. Schedule 5.03 provides that the annual fixed charge rate applicable to Met-Ed's investment in facilities which it provides for Pennsylvania Electric Company (Penelec) and Jersey Central will be computed as the average of the fixed-charge rate for the first and fifth years plus average O&M cost for 500 kv transmission facilities in the GPU system.

The financial responsibility for the facilities related to the delivery of the output of TMI Unit No. 2 are to be allocated among the three GPU companies on the basis of their ownership of TMI Unit No. 2. The responsibility for those S-E system facilities installed by Met-Ed, or for which it makes payment to others, is allocated among the three GPU companies; two-thirds in proportion to their ownership of Keystone and Conemaugh generating stations and one-third in proportion to their annual size factor. The estimated monthly charges to Penelec beginning November 1, 1976, and June 1, 1977, are \$3,900 and \$50,700, respectively; the estimated monthly charges to Jersey Central beginning November 1, 1976, and June 1, 1977, are \$17,500 and \$320,500, respectively.

Schedule 5.02 changes the loss factor for the transmission service for the delivery of TMI Unit No. 1 output from an estimated 2% to 1.2% to reflect the installation of new transmission lines in Met-Ed's system and actual experienced losses.

Exhibit No. 1c shows a comparison of actual and estimated sales and revenues under the present rate schedule and the proposed revised rate schedule for the 12 months ended August 1976 and the 12 months ended August 1977. The estimated changes in cost to the three GPU members for the 12 months ending August 1977 are:

Penelec	(\$2,616,300)
Met-Ed	(1,270,800)
Jersey Central	3,887,100

The effect of the proposed change in installed capacity accounting is to increase the installed capacity allocated to Jersey Central and to decrease it for Penelec and Met-Ed. The cause for this change in capacity responsibility is the weight given to the planning period peaks; under existing GPU accounting, capacity responsibility is based entirely on weekly peak loads.

**PUBLIC NOTICE**

Notice of the filing was issued on November 8, 1976, with responses due on or before November 19, 1976.

On November 19, 1976, the Boroughs of Butler, Lavallette, Madison, Pemberton, and Seaside Heights, New Jersey, submitted a petition for leave to intervene, a complaint and request for suspension of rate. They are wholesale customers of Jersey Central and allege that GPU's proposed changes in the formula disproportionately increase Jersey Central's costs and may adversely affect them.

Review of the proposed amendments and new schedules to the GPU Power Pooling Agreement indicates that they have not been shown to be just and reasonable and may be unjust, unreasonable, and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful. By letter dated November 15, 1976, GPU stated that it is willing to make refunds of collections under all schedules submitted for filing if the Commission establishes July 15, 1976, as the effective date for Schedule 5.03 and November 8, 1976, for all remaining schedules. The Commission shall therefore accept the proposed new schedules for filing subject to refund, and shall establish hearing procedures.

The Commission finds: (1) Good cause exists to accept GPU's proposed amendments and new schedules to the GPU Power Pooling Agreement subject to refund, with an effective date of July 15, 1976, for Schedule 5.03 and a November 8, 1976, effective date for all remaining schedules, pending the outcome of a hearing and decision thereon.

(2) The participation of the Boroughs of Butler, Lavallette, Madison, Pemberton, and Seaside Heights, New Jersey, in this proceeding may be in the public interest.

The Commission orders: (A) Pending a hearing and decision thereon, the proposed amendments of the GPU Power Pooling Agreement are hereby accepted for filing subject to refund; the effective date for Section 5.03 is July 15, 1976, and the effective date for all remaining schedules is November 8, 1976.

(B) The Boroughs of Butler, Lavallette, Madison, Pemberton, and Seaside Heights, New Jersey, are hereby permitted to intervene in this proceeding subject to the Commission's Rules and Regulations: *Provided, however*, that participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in their Petition to Intervene; and *Provided, further*, that the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order of the Commission entered in this proceeding.

(C) Pursuant to the authority of the Federal Power Act, particularly Sections 205 and 206 thereof, the Commission's Rules of Practice and Procedure, and the Regulations under the Federal Power Act, a hearing shall be held concerning the justness and reasonableness of GPU's proposed amendments and new schedules to its Power Pooling Agreement.

(D) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge shall convene a hearing in a hearing room of the Federal

<sup>1</sup> On October 21, 1976, executed supplements were submitted; requested information was received on November 15, 1976, the assigned filing date.

<sup>2</sup> Proposed designations and descriptions are shown in the Attachment.

Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. Said Presiding Administrative Law Judge is hereby authorized to establish all procedural dates and to rule upon all motions (with the exceptions of petitions to intervene, motions to consolidate and sever, and motions to dismiss), as provided for in the Rules of Practice and Procedure.

(E) GPU shall file monthly with the Commission the report on billing determinants and revenues collected under the

presently effective rates and the proposed increased rates filed herein, as required by Section 35.19a of the Commission's Regulations, 18 CFR Section 35.19a.

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

By the Commission.

KENNETH F. PLUMB,  
Secretary.

Schedule R which was formerly a part of CLC-22. FEA estimates potential respondents to be 140 Crude Oil Refiners and burden to average 25 hours per response.

NORMAN F. HEYL,  
Regulatory Reports,  
Review Officer.

[FR Doc.76-37807 Filed 12-23-76;8:45 am]

## GENERAL SERVICES ADMINISTRATION

[GSA Bulletin FPR 24]

### FEDERAL PROCUREMENT

#### Interagency Procurement Policy Committee

##### Correction

In FR Doc. 76-34311 appearing on page 51447 in the issue for Monday, November 22, 1976, the headings should have read as set forth above.

[GSA Bulletin FPR 25]

### FEDERAL PROCUREMENT

#### Cost Accounting Standards Administration—Interim Guidance

##### Correction

In FR Doc. 76-34312 appearing on page 51448 in the issue for Monday, November 22, 1976, the headings should have read as set forth above. Also, on page 51451, in the middle column, the heading for "Item T" should have read "Item 9".

[Temporary Reg. F-406]

### FEDERAL PROPERTY MANAGEMENT REGULATIONS

#### Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Administrator, Energy Research and Development Administration, to represent the consumer interests of the executive agencies of the Federal Government in a gas indexing proceeding.

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, particularly sections 201 (a) (4) and 205 (d) (40 U.S.C. 481 (a) (4) and 486 (d)), authority is delegated to the Administrator, Energy Research and Development Administration, to represent the consumer interests of the executive agencies of the Federal Government before the New Mexico Public Service Commission, involving the application of the Gas Company of New Mexico for the inclusion of a rate schedule rider to its tariff permitting a "cost of service adjustment factor" (Case No. 1301).

b. The Administrator, Energy Research and Development Administration, may redelegate this authority to any officer, official, or employee of the Energy Research and Development Administration.

c. This authority shall be exercised in accordance with the policies, procedures,

## GENERAL PUBLIC UTILITIES COMPANY RATE SCHEDULE DESIGNATIONS

Filing Date: November 15, 1976.

Below are listed supplements to each of the following rate schedules:

Metropolitan Edison Company—Rate Schedule FPC No. 40.

Jersey Central Power & Light Company—Rate Schedule FPC No. 31.

Pennsylvania Electric Company—Rate Schedule FPC No. 62.

### Rate schedule designations

	Description
Supp. No. 6 (supersedes supp. No. 2 and supp. No. 6 to supp. No. 4) ..	Schedule No. 4.01, revised.
Supp. No. 1 to supp. No. 6 .....	Schedule No. 4.11.
Supp. No. 2 to supp. No. 6 .....	Schedule No. 4.12.
Supp. No. 3 to supp. No. 6 .....	Schedule No. 4.21.
Supp. No. 4 to supp. No. 6 .....	Schedule No. 4.211.
Supp. No. 5 to supp. No. 6 .....	Schedule No. 4.212.
Supp. No. 6 to supp. No. 6 .....	Schedule No. 4.213.
Supp. No. 7 to supp. No. 6 (supersedes supp. No. 17 to supp. No. 4) ..	Schedule No. 11.01, revised.
Supp. No. 8 to supp. No. 6 (supersedes supp. No. 8 to supp. No. 4) ..	Schedule No. 5.02, revised.
Supp. No. 9 to supp. No. 6 .....	Schedule No. 5.03.

[FR Doc.76-37860 Filed 12-23-76;8:45 am]

[Docket No. CP75-96, et al.]

## EL PASO ALASKA CO., ET AL.

### Appointment

DECEMBER 21, 1976.

By order of December 16, 1976, the Commission provided for the appointment of a delegate "to receive data, views and arguments" relative to the performance by the Commission of its duties under the Alaskan Natural Gas Transportation Act of 1976.

Pursuant to that Order, Richard Smith and Jerome Hass are jointly designated to act as delegates.

As soon as practicable, the delegates and their staff shall commence assembling the information that may be necessary to enable the Commission to consider the matters set forth in section 5(c) of the Alaskan Natural Gas Transportation Act of 1976. Any information obtained shall be held by the delegates for such dissemination or use as may be provided by subsequent Order of the Commission. Until the issuance of such an order, the delegates or any member of their staff shall not communicate the information or discuss any matter of substance with the Administrative Law Judge, or any person working with him, or the Commissioners or their personal staffs.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.76-37968 Filed 12-23-76;8:45 am]

## GENERAL ACCOUNTING OFFICE

### REGULATORY REPORTS REVIEW

#### Receipt of Report Proposal \*

The following request for clearance of a report intended for use in collecting

information from the public was received by the Regulatory Reports Review Staff, GAO, on December 17, 1976. See 44 U.S.C. 3512(c) and (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipt.

The notice includes the title of the request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed FEA request are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed request, comments (in triplicate) must be received on or before January 14, 1977, and should be addressed to Mr. John M. Lovelady, Acting Assistant Director, Regulatory Reports Review, General Accounting Office, Room 5216, 425 I Street, NW, Washington, DC 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-376-5425.

### FEDERAL ENERGY ADMINISTRATION

FEA requests clearance of a new single time Form P125-S-0, Report of Refiner Profit Margins with instructions. Form P125-S-0 is based on the expired form CLC-22, Report of Refiners Prices, Costs and Profits and Schedule R to that form, and is being proposed to provide the data necessary for FEA to execute its role in accordance with the Federal Energy Administration Act of 1974 (Pub. L. 93-275 as amended by Pub. L. 94-385) in regards to the provision limiting profit price. Form P125-S-0 also contains

and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

Dated: December 14, 1976.

JACK ECKERD,  
Administrator of General Services.

[FR Doc.76-37773 Filed 12-23-76;8:45 am]

[Intervention Notice No. 18]

#### TELEPHONE RATE INCREASE PROCEEDING

New York Public Service Commission;  
New York Telephone Co.

The General Services Administration seeks to intervene in a proceeding before the New York Public Service Commission concerning the application of the New York Telephone Company for an increase in annual revenues. The GSA represents the interests of the executive agencies of the United States Government, as users of telecommunications services.

The New York Telephone Company has filed proposed tariff changes which would increase annual revenues by \$393 million. It is estimated that the proposed changes would impact Government costs by \$1.8 million annually.

Persons desiring to make inquiries concerning this case to GSA should submit them, in writing, to Mr. Spence W. Perry, Assistant General Counsel, Regulatory Law Division, General Services Administration, 18th & F Streets NW., Washington, DC 20405, telephone (202) 566-0750, on or before January 26, 1977, and refer to this notice number.

Persons making inquiries are put on notice that the making of an inquiry shall not serve to make any persons parties of record in the proceeding.

(Sec. 201(a)(4), Federal Property and Administrative Services Act, 40 U.S.C. 481(a)(4).)

Dated: December 14, 1976.

JACK ECKERD,  
Administrator of General Services.

[FR Doc.76-37774 Filed 12-23-76;8:45 am]

### DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

#### FOREIGN LANGUAGE AND AREA STUDIES RESEARCH PROGRAM

##### Closing Date for Receipt of Applications

Notice is hereby given that pursuant to the authority contained in section 602 of Title VI of the National Defense Education Act of 1958, (20 U.S.C. 512) as amended by section 302(d) of Pub. L. 94-482 (1976), applications will be accepted for contracts or grants under the Foreign Language and Area Studies Research Program.

Under this program the Commissioner is authorized to award contracts or grants for studies and surveys to determine the need for increased or improved

instruction in modern foreign languages and related fields, to conduct research on training methods for use in such languages and fields, and to develop specialized materials for use in training students and language teachers.

In order to be assured of consideration for funding with fiscal year 1977 funds, applications must be received by the Office of Education Application Control Center on or before February 10, 1977.

##### A. APPLICATIONS SENT BY MAIL

An application sent by mail should be addressed as follows: U.S. Office of Education, Application Control Center, 400 Maryland Avenue, S.W., Washington, D.C. 20202, Attention: 13.436. An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail not later than Feb. 7, 1977, as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare or the U.S. Office of Education mail rooms in Washington, D.C. In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare or the U.S. Office of Education.

##### B. HAND DELIVERED PROPOSALS

An application to be hand delivered must be taken to the U.S. Office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets, S.W., Washington, D.C. Hand delivered applications will be accepted daily between the hours of 8 a.m. and 4 p.m. Washington, D.C. time except Saturdays, Sundays or Federal holidays. Applications will not be accepted after 4 p.m. on the closing date.

##### C. PROGRAM INFORMATION AND FORMS

Information and application forms may be obtained from the Foreign Language and Area Research Program, Division of International Education, Bureau of Postsecondary Education, U.S. Office of Education, Room 3671, 7th and D Streets, S.W., Washington, D.C. 20202.

##### D. ESTIMATED DISTRIBUTION OF PROGRAM FUNDS

The Foreign Language and Area Studies Research appropriation for Fiscal Year 1977 is \$875,000. The program expects to use approximately \$175,000 to supplement seven ongoing research projects and to fund about twenty-eight new projects at an average cost of \$25,000 each. Projects which exceed eighteen months should be planned and budgeted in yearly phases.

The above statement with regard to the expected distribution of funds is basically for informational purposes and does not bind the Office of Education, except as may be required by the applicable statute and regulation.

##### E. APPLICABLE REGULATIONS

The regulations applicable to this program include the Office of Education General Provisions Regulations (45 C.F.R. 100a). A Notice of Proposed Rule-making setting forth proposed regulations for the Modern Foreign Language and Area Studies Program was published in the FEDERAL REGISTER of August 12, 1976 (41 FR 34052). A public hearing on those regulations was held and written comments were received. Final regulations are being developed and will be published in the FEDERAL REGISTER in the near future. Applicants are advised to follow the requirements and standards published in the proposed regulations in submitting their applications. If the final regulations contain new or inconsistent requirements or funding criteria, the closing date will be extended to allow applicants who have submitted applications based on the proposed regulations to revise their applications.

(20 U.S.C. 512)

Dated: December 8, 1976.

(Catalog of Federal Domestic Assistance Number 13.436; Modern Foreign Language and Area Studies—Research and Studies)

EDWARD AGUIRRE,  
Commissioner of Education.

[FR Doc.76-37801 Filed 12-23-76;8:45 am]

Office of the Secretary

#### NATIONAL COMMISSION FOR THE PROTECTION OF HUMAN SUBJECTS OF BIOMEDICAL AND BEHAVIORAL RESEARCH

##### Meeting

Notice is hereby given that the National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research will meet on January 7 and 8, 1977, in Conference Room 6, C Wing, Building 31, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland. The meeting will convene at 9:00 a.m. each day and will be generally open to the public, subject to the limitations of available space. Topics identified in the mandate to the Commission under the National Research Act (Pub. L. 93-348), as amended, including psychosurgery and the participation of children in research, will be the agenda for this meeting.

The National Commission is required under recently enacted legislation to study and make recommendations for legislation to Congress on the topic of public disclosure, pursuant to the Freedom of Information Act, of information contained in research protocols, hypotheses and designs obtained by the Secretary of DHEW in connection with applications or proposals for grants, fellowships and contracts under the Public Health Service Act. Specifically, title III of the Health Research and Health Services Amendments of 1976 (Pub. L. 94-278) provides in part that

the National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research (established by section 201 of the National Research Act (Public Law 93-348) shall \* \* \* conduct an investigation

and study of the implication of the disclosure to the public of information contained in research protocols, research hypotheses, and research designs obtained by the Secretary of Health, Education, and Welfare (hereinafter in the subsection referred to as the "Secretary") in connection with an application or proposal submitted, during the period beginning January 1, 1975, and ending December 31, 1975, to the Secretary for a grant, fellowship, or contract under the Public Health Service Act. In making such investigation and study \* \* \* the Commission shall \* \* \* determine the following:

(A) The number of requests made to the Secretary for the disclosure of information contained in such research protocols, hypotheses, and designs and the interests represented by the persons for whom such requests were made.

(B) The purposes for which information disclosed by the Secretary pursuant to such requests was used.

(C) The effect of the disclosure of such information on—

(i) proprietary interest in the research protocol, hypothesis, or design from which such information was disclosed and patent rights;

(ii) the ability of peer review systems to insure high quality federally funded research; and

(iii) the (I) protection of the public against research which presents an unreasonable risk to human subjects of such research and (II) the adequacy of informed consent procedures.

To assist in its study, the National Commission desires to have written statements from interested parties, including researchers who may be affected by disclosure of research information. Statements should be received not later than January 28, 1977, in order to be of assistance to the Commission in their discussion of this topic at the meeting scheduled for February 11-12, 1977. Writers are encouraged to include discussion of the following issues:

1. What is the narrowest exemption from disclosure of research information contained in applications or proposals submitted under the Public Health Service Act that is necessary to protect scientists' ideas, "stock in trade," from plagiarism; to encourage detailed and high quality grant applications; to protect patent and other proprietary interests; to prevent harm to the public resulting from the premature disclosure of preliminary research data; and to foster the frank and critical peer review necessary to insure continued high quality federally funded research?

2. How should the purposes of exemption from disclosure, described in the first question above, be balanced against such purposes of disclosure of research information as protection of human subjects in clinical research against unreasonable risk and openness of governmental decision making?

3. Can the basic research idea of a proposal or application submitted under the Public Health Service Act be separated out for the purpose of exempting it from disclosure for a period of time? Would

exemption for a period of time serve to protect the proprietary interests and patent rights of the investigator? Should any limitation be stipulated for all research or for only clinical research?

4. Is it possible to predict which categories of proposals or applications have potential patent implications?

Comments should be addressed to the National Commission for the Protection of Human Subjects, 5333 Westbard Avenue, Room 125, Bethesda, Maryland 20016. Requests for information and for copies of a legal analysis of the disclosure issue that was prepared for the National Commission should be directed to Ms. Anne Ballard (301) 496-7776, at the same address.

Dated: December 20, 1976.

CHARLES U. LOWE,  
Executive Director, National  
Commission for the Protection  
of Human Subjects of  
Biomedical and Behavioral  
Research.

[FR Doc.76-37799 Filed 12-23-76;8:45 am]

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance  
Administration

[Docket No. NFD-378; FDAA-3013-EM]

### MINNESOTA

Amendment to Notice of Emergency  
Declaration

Notice of emergency for the State of Minnesota, dated June 17, 1976, and amended on June 28, 1976, August 27, 1976, and on November 9, 1976, is hereby further amended to include the following counties among those counties determined to have been adversely affected by the catastrophe declared an emergency by the President in his declaration of June 17, 1976:

The Counties of:

Becker	Lyon
Big Stone	Morrison
Brown	Otter Tail
Carlton	Pope
Cass	Redwood
Chippewa	Stearns
Chisago	Stevens
Douglas	Swift
Isanti	Traverse
Lac qui Parle	Wadena
Lincoln	Yellow Medicine

The purpose of this designation is to provide emergency livestock feed assistance only in the aforementioned affected areas.

Dated: December 16, 1976.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

WILLIAM E. CROCKETT,  
Acting Administrator, Federal  
Disaster Assistance Administration.

[FR Doc.76-37917 Filed 12-23-76;8:45 am]

[Docket No. UFD-680; FDAA-3016-EM]

### NORTH DAKOTA

Amendment to Notice of Emergency  
Declaration

Notice of emergency for the State of North Dakota dated July 21, 1976, is hereby amended to include the following counties among those counties determined to have been adversely affected by the catastrophe declared an emergency by the President in his declaration of July 21, 1976:

The Counties of:

Dickey	Logan
Emmons	McIntosh
LaMoure	

The purpose of this designation is to provide emergency livestock feed assistance only in the aforementioned affected areas.

Dated: December 16, 1976.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

WILLIAM E. CROCKETT,  
Acting Administrator, Federal  
Disaster Assistance Adminis-  
tration.

[FR Doc.76-37915 Filed 12-23-76;8:45 am]

[Docket No. NFD-377; FDAA-3015-EM]

### SOUTH DAKOTA

Amendment to Notice of Emergency  
Declaration

Notice of emergency for the State of South Dakota dated June 17, 1976, and amended on July 8, 1976, and October 18, 1976, is hereby further amended to include the following counties among those counties determined to have been adversely affected by the catastrophe declared an emergency by the President in his declaration of June 17, 1976:

The Counties of:

Aurora	Hughes
Beadle	Hyde
Brookings	Jerauld
Brown	Kingsbury
Brule	Lake
Buffalo	Lyman
Campbell	McCook
Clark	McPherson
Codington	Marshall
Davison	Mellette
Day	Miner
Deuel	Potter
Douglas	Roberts
Edmunds	Sanborn
Faulk	Spink
Grant	Stanley
Gregory	Sully
Hamlin	Todd
Hand	Tripp
Hanson	Walworth

The purpose of this designation is to provide emergency livestock feed assistance only in the aforementioned affected areas.

Dated: December 16, 1976.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

WILLIAM E. CROCKETT,  
Acting Administrator, Federal  
Disaster Assistance Adminis-  
tration.

[FR Doc.76-37918 Filed 12-23-76;8:45 am]

[Docket No. NFD-379; FDAA-3014-EM]

**WISCONSIN****Amendment to Notice of Emergency Declaration**

Notice of emergency for the State of Wisconsin, dated June 17, 1976, and amended on July 29, 1976, September 7, 1976, and on September 30, 1976, is hereby further amended to include the following counties among those counties determined to have been adversely affected by the catastrophe declared an emergency by the President in his declaration of June 17, 1976:

The Counties of:

Ashland	Marathon
Bayfield	Oneida
Douglas	Rusk
Forest	Sawyer
Iron	Washburn
Langlade	

The purpose of this designation is to provide emergency livestock feed assistance only in the aforementioned affected areas.

Dated: December 16, 1976.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

WILLIAM E. CROCKETT,  
*Acting Administrator, Federal Disaster Assistance Administration.*

[FR Doc.76-37918 Filed 12-23-76;8:45 am]

**DEPARTMENT OF INTERIOR**

**Bonneville Power Administration  
BPA ELECTRICAL SERVICE TO ADDY  
Intent to Prepare Draft Environment  
Statement**

Notice of intent to file an environmental statement is hereby given by the Bonneville Power Administration, 1002 NE Holladay Street, Portland, Oregon 97232.

The environmental statement will cover impacts associated with the Northwest Alloys magnesium plant located at Addy, Washington. The impacts addressed will be those which are expected to occur subsequent to June 1, 1977, at which time Bonneville proposes to provide additional electrical power to the plant.

Your suggestions, comments, and observations are solicited during this period of draft statement preparation for consideration in the preparation of the draft environmental statement. Upon filing of the draft environmental statement with the Council on Environmental Quality (CEQ), comments will be received on the draft statement itself. Tentatively, the draft environmental statement is now planned for filing with CEQ in January or February of 1977.

Dated: December 21, 1976.

DONALD PAUL HODEL,  
*Administrator.*

[FR Doc.76-38004 Filed 12-23-76;8:45 am]

**Geological Survey  
KNOWN RECOVERABLE COAL  
RESOURCE AREA**

**Knife River, North Dakota**

Pursuant to authority contained in the Act of March 3, 1879 (43 U.S.C. 31), as supplemented by Reorganization Plan No. 3 of 1950 (43 U.S.C. 1451, note), 203 Departmental Manual 1, Secretary's Order No. 2948, and Section 8A of the Mineral Leasing Act of February 25, 1920, as added by Section 7 of the Federal Coal Leasing Amendments Act of 1975 (Pub. L. 94-377, August 4, 1976), Federal lands within the State of North Dakota have been classified as subject to the coal leasing provisions of the Mineral Leasing Act of February 25, 1920, as amended (30 U.S.C. 201). The name of the area, effective date, and total acreage involved are as follows:

(34) North Dakota, Knife River (North Dakota) known recoverable coal resource area; May 3, 1976; 1,185,563 acres.

A diagram showing the boundaries of the area classified for leasing has been filed with the appropriate land office of the Bureau of Land Management. Copies of the diagram and the land description may be obtained from the Regional Conservation Manager, Central Region, Mail Stop 609, Box 25046, Federal Center, Denver, Colorado 80225.

Dated: December 17, 1976.

W. A. RADLINSKI,  
*Acting Director.*

[FR Doc.76-37770 Filed 12-23-76;8:45 am]

**National Park Service****CHACO CANYON NATIONAL MONUMENT, NEW MEXICO****Negative Declaration; Availability of Environmental Review**

An environmental assessment of alternatives for a proposed master plan/development concept plan for Chaco Canyon National Monument was made available October 10, 1975. Public workshops to discuss the alternatives and to receive public comments were held November 11, 12, and 15 and December 17, 1975, in Gallup, Farmington, Albuquerque, and Grants, New Mexico.

As a result of the workshops and comments received, an environmental review has been prepared selecting proposed actions concerned with boundary changes, visitor access and circulation, support base facilities, and both archeological and soil stabilization.

The National Park Service, based on the environmental review, has decided not to prepare an environmental statement on the general management/development concept plan for Chaco Canyon National Monument.

The environmental assessment and the environmental review are on file and will be available upon request at the following locations: Southwest Regional

Office, National Park Service, Old Santa Fe Trail, Post Office Box 728, Santa Fe, New Mexico 87501; Chaco Center, Anthropology Building, University of New Mexico, Post Office Box 26176, Albuquerque, New Mexico 87125; Navajo Lands Group Office, 111 North Behrend Avenue, Post Office Box 539, Farmington, New Mexico 87401; and Chaco Canyon National Monument, Star Route, Bloomfield, New Mexico 87413. Anyone wishing to comment on the proposed plan should send written comments to the Regional Director at the Santa Fe address on or before February 15, 1977.

The National Park Service intends to proceed with implementation of the plan unless evidence is received during the review period which would substantially alter the conclusions outlined in the environmental review.

Dated: November 30, 1976.

THEODORE R. THOMPSON,  
*Acting Regional Director, Southwest Region, National Park Service.*

[FR Doc.76-37804 Filed 12-23-76;8:45 am]

**SHENANDOAH NATIONAL PARK****Intention to Issue Concession Permit**

Pursuant to the provisions of Section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that on January 26, 1977, the Department of the Interior, through the Superintendent, Shenandoah National Park, proposes to issue a concession permit to Potomac Appalachian Trail Club, Inc., authorizing it to provide concession facilities and services for the public at backcountry trailside cabins in Shenandoah National Park for a period of five (5) years from January 1, 1977 through December 31, 1981.

An assessment of the environmental impact of this proposed action has been made and it has been determined that it will not significantly affect the quality of the human environment, and that it is not a major Federal action under the National Environmental Policy Act of 1969. The environmental assessment may be reviewed in the (Office of the Superintendent), Shenandoah National Park, Luray, Va.

The foregoing concessioner has performed its obligations to the satisfaction of the National Park Service, under an existing permit which expires by limitation of time on December 31, 1976, and therefore, pursuant to the Act of October 9, 1965, as cited above, is entitled to be given preference in the renewal of the permit and in the negotiation of a new permit. However, the Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted on or before January 26, 1977.

Interested parties should contact the Superintendent, Shenandoah National Park, Luray, Virginia 22835 for informa-

tion as to the requirements of the proposed permit.

ROBERT R. JACOBSEN,  
Superintendent.

SEPTEMBER 15, 1976.

[FR Doc.76-37803 Filed 12-23-76;8:45 am]

## INTERNATIONAL TRADE COMMISSION

[USITC SE-76-8]

### GOVERNMENT IN THE SUNSHINE

#### Meeting

Interested members of the public are invited to attend and to observe the meeting of the United States International Trade Commission to be held on December 30, 1976, beginning at 9:30 a.m., in the Hearing Room of the United States International Trade Commission, Street, N.W., Washington, D.C. 20436. The Commission plans to consider the following agenda items in open session:

1. Agenda for the meetings of January 11 and 13, 1977;
2. Reorganization;
3. Any other items left over from previous agenda.

If you have any questions concerning the agenda for the December 30, 1976, Commission meeting, please contact the Secretary to the Commission at (202) 523-0161. Access to documents to be considered by the Commission at the meeting is provided for in Subpart C of the Commission's rules (19 CFR 201.17-201.21).

On the authority of 19 U.S.C. 1335 and in conformity with proposed 19 C.F.R. 201.39(a), when a person's privacy interests may be directly affected by holding a portion of a Commission meeting in public, that person may request the Commission to close such portion to public observation. Such requests should be communicated to the Office of the Chairman of the Commission.

By order of the Commission.

Issued: December 21, 1976.

KENNETH R. MASON,  
Secretary.

[FR Doc.76-37930 Filed 12-23-76;8:45 am]

[USITC SE-76-2B]

### GOVERNMENT IN THE SUNSHINE

#### Additional Persons Expected at Closed Portion of Meeting

At its meeting of December 21, 1976, the Commission, acting on the authority of 19 U.S.C. 1335 and in conformity with proposed 19 C.F.R. 201.36(b), amended the portion of its public notice for the meeting of December 21, 1976, which pertains to the discussion of item 11 (Consideration of an appeal filed pursuant to the Freedom of Information Act (see memorandum from the General Counsel of December 13, 1976)) in closed session. The following persons and their corresponding affiliations are also expected to be present during the closed portion of the meeting:

Russell N. Shewmaker, General Counsel  
Leo Jablonski, Assistant to the General Counsel

Mary Martin, Attorney-Advisor  
Rhond Roth, Attorney-Advisor  
Steven Morrison, Attorney-Advisor  
Charles Ramsdale, Director of Personnel

By order of the Commission.

Issued: December 21, 1976.

KENNETH R. MASON,  
Secretary.

[FR Doc.76-37931 Filed 12-23-76;8:45 am]

## DEPARTMENT OF JUSTICE

### Federal Bureau of Investigation NATIONAL CRIME INFORMATION CENTER Compliance

Pursuant to the provisions of the Office of Management and Budget Circular No. A-90 Transmittal Memorandum No. 1, notice is hereby given that the Federal Bureau of Investigation National Crime Information Center (NCIC) is in compliance with the provisions of this Transmittal Memorandum. The "National Crime Information Center (NCIC) Criminal Information Center Computerized Criminal History Program Background, Concept and Policy As Approved by the NCIC Advisory Policy Board, October 20, 1976" (Policy Paper), governs the use of the NCIC Computerized Criminal History File. The Policy Paper is drafted by the NCIC Advisory Policy Board giving consideration to recommendations by the NCIC users at all levels of government. This Board is representative of the entire criminal justice community at the Federal, state and local levels and includes representation from the law enforcement, judicial, prosecutorial, and correctional segments of this community.

The most recent revision to the Policy Paper, which has been approved by the Director, FBI, makes it clear that computer hardware utilized for the handling of criminal history data need not be dedicated to criminal justice functions.

Copies of the Policy Paper may be obtained from Mr. Frank B. Buell, Chief, NCIC Section, Administrative Services Division, FBI Headquarters, Washington, D.C. 20535.

CLARENCE M. KELLEY,  
Director.

[FR Doc.76-37867 Filed 12-23-76;8:45 am]

## LEGAL SERVICES CORPORATION

### GRANTS AND CONTRACTS Consideration of Applications

DECEMBER 16, 1976.

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. 2996-2996f. 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 applications submitted by:

1. Milwaukee Legal Services for Dane County, Wisconsin.
2. Land of Lincoln Legal Assistance Foundation for Macon, Piatt, Jefferson, and Sangamon Counties, Illinois.
3. Legal Assistance of North Dakota for Burleigh, Morton and Ward Counties, North Dakota.
4. Legal Services Organization of Indianapolis for Delaware, Monroe, Morgan and Brown Counties, Indiana.

Interested persons are hereby invited to submit written comments or recommendations concerning the above applications to the Regional Office of the Legal Services Corporation at:

Chicago Regional Office, 310 South Michigan Avenue, 24th Floor, Chicago, Illinois 60604.

THOMAS EHRLICH,  
President.

[FR Doc.76-37768 Filed 12-23-76;8:45 am]

## GRANTS AND CONTRACTS

### Consideration of Application

DECEMBER 16, 1976.

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. 2996-2996f. 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 applications submitted by:

Nassau Legal Services for Suffolk County, New York.

Interested persons are hereby invited to submit written comments or recommendations concerning the above applications to the Regional Office of the Legal Services Corporation at:

New York Regional Office, 10 East 40th Street, New York, New York 10016.

THOMAS EHRLICH,  
President.

[FR Doc.76-37769 Filed 12-23-76;8:45 am]

## NUCLEAR REGULATORY COMMISSION

[Docket No. 50-471]

BOSTON EDISON CO., ET AL. (PILGRIM  
NUCLEAR GENERATING STATION, UNIT  
NO. 2)

### Order Regarding Resumption of Evidentiary Hearing

It is ordered, That:

The evidentiary hearing herein will resume on January 24, 1977, at 11 a.m. in

the Middlesex Bar Association Meeting Room, 4th Floor, Middlesex Superior Courthouse, 40 Thorndike Street, East Cambridge, Massachusetts 02141.

Dated at Bethesda, Maryland, this 20th day of December 1976.

The Atomic Safety and Licensing Board.

FREDERIC J. COUFAL,  
Chairman.

[FR Doc. 76-37944 Filed 12-23-76; 8:45 am]

[Docket No. 50-10]

#### COMMONWEALTH EDISON CO.

##### Issuance of Amendment To Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 19 to Facility Operating License No. DPR-2, issued to the Commonwealth Edison Company (the licensee), which revised Technical Specifications for operation of Unit 1 of Dresden Nuclear Power Station (the facility) located in Grundy County, Illinois. The license amendment is effective as of its date of issuance.

The amendment revises the Technical Specifications to require additional tests to assure control rod coupling following installation of the control rods.

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 the issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated September 7, 1976, (2) Amendment No. 19 to License No. DPR-2, and (3) the Commission's concurrently issued 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. 20555. A single 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 14th day of December 1976.

For the Nuclear Regulatory Commission.

DENNIS L. ZISMANN,  
Chief, Operating Reactors  
Branch No. 2, Division of Operating Reactors.

[FR Doc. 76-37946 Filed 12-23-76; 8:45 am]

[Docket Nos. 50-329; 50-330]

#### CONSUMERS POWER CO. (MIDLAND PLANT, UNITS NO. 1 AND NO. 2), CONSTRUCTION PERMIT NOS. CPPR-81 AND CPPR-82

##### Reconstitution of Board

Daniel M. Head, Esq., was Chairman of the Atomic Safety and Licensing Board for the above proceeding. Because of a schedule conflict, Mr. Head is unable to continue his service on this Board.

Accordingly, Frederic J. Coufal, Esq., whose address is Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, is appointed Chairman of this Board. Reconstitution of the Board in this manner is in accordance with § 2.721 of the Commission's Rules of Practice, as amended.

Dated at Bethesda, Maryland this 21st day of December 1976.

JAMES R. YORE,  
Chairman, Atomic Safety  
and Licensing Board Panel.

[FR Doc. 76-37942 Filed 12-23-76; 8:45 am]

[Docket Nos. 50-491; 50-492; 50-493]

#### DUKE POWER CO. (CHEROKEE NUCLEAR STATION UNITS 1, 2 AND 3)

##### Evidentiary Hearing

It is ordered, That there will be an evidentiary hearing beginning at 10 a.m. on January 13, 1977, at the Spartanburg County Courthouse, Room 321, 188 Magnolia Street, Spartanburg, South Carolina 29304 to consider the Applicant's request for a Limited Work Authorization as described in the Applicant's letter of November 12, 1976, directed to Mr. Ben C. Rusche, Director, Office of Nuclear Reactor Regulation.

It is further ordered, That following the hearing above described, the Board will consider evidence relating to monitoring stations 19 and 20 as described in the Board's Order of December 14, 1976.

Dated at Bethesda, Maryland, this 20th day of December 1976.

The Atomic Safety and Licensing Board.

FREDERIC J. COUFAL,  
Chairman.

[FR Doc. 76-37943 Filed 12-23-76; 8:45 am]

[Docket No. 50-271]

#### VERMONT YANKEE NUCLEAR POWER CORP.

##### Proposed Issuance of Amendment To Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR-28 issued to Vermont Yankee Nuclear Power Corporation (the licensee), for operation of the Vermont Yankee Nuclear Power Station, located near Vernon, Vermont.

The amendment would add provisions in the Technical Specifications relating to additional restrictions on appropriate trip settings and limits for operation with a single recirculation loop, in accordance with the licensee's application for amendment, dated November 10, 1976.

Prior to issuance of the proposed license amendment, 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 January 26, 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 issuance of the amendment to the subject facility operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of § 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 petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and § 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, and to Mr. John A. Ritscher, Ropes & Gray, 225 Franklin Street, Boston, Massachusetts 02110, the attorney for the licensee.

A petition for leave to intervene must be accompanied 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 that 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 November 10, 1976, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Brooks Memorial Library, 224 Main Street, Brattleboro, Vermont.

Dated at Bethesda, Maryland this 20th day of December 1976.

For the Nuclear Regulatory Commission.

VERNON L. ROONEY,  
Acting Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.

[FR Doc.76-37940 Filed 12-23-76; 8:45 am]

[Docket No. 50-305]

**WISCONSIN PUBLIC SERVICE CORP.  
ET AL.**

**Issuance of Amendment To Facility  
Operating License**

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 11 to Facility Operating License No. DPR-43, issued to Wisconsin Public Service Corporation, Wisconsin Power & Light Company, and Madison Gas and Electric Company (the licensees), which revised Technical Specifications for operation of the Kewaunee Nuclear Power Plant, located in Kewaunee, Wisconsin. The amendment is effective as of its date of issuance.

This amendment revises the Technical Specifications to delete requirements to perform control rod bank worth and isothermal temperature coefficient measurements between 4000 and 7500 MWD/MTU for fuel cycle 2.

The application for 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 October 26, 1976, (2) Amendment No. 11 to License No. DPR-43, 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 Kewaunee Public Library, 314 Milwaukee Street, Kewaunee, Wisconsin 54216. 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 9th day of December 1976.

For the Nuclear Regulatory Commission.

A. SCHWENCER,  
Chief, Operating Reactors Branch  
No. 1, Division of Operating Reactors.

[FR Doc.76-37945 Filed 12-23-76; 8:45 am]

[Docket Nos. 50-390 and 50-391]

**TENNESSEE VALLEY AUTHORITY (WATTS  
BAR NUCLEAR PLANT, UNITS 1 AND 2)**

**Receipt of Application for Facility Operating Licenses; Consideration of Issuance of Facility Operating Licenses and Opportunity for Hearing**

Notice is hereby given that the Nuclear Regulatory Commission (the Commission) has received an application for facility operating licenses from Tennessee Valley Authority (the applicant) which would authorize the applicant to possess, use, and operate two light water nuclear reactors (the facilities), located on the applicant's site in Rhea County, Tennessee. Each unit would operate at a steady state power level of 3411 megawatts thermal.

In accordance with an agreement between the Commission and the applicant, the applicant will not submit an environmental report. Instead they will update the Final Environmental Statement, Construction Permit Stage, which will be used as a basis for review by the Commission's Office of Nuclear Reactor Regulation.

A draft environmental statement will be prepared by the Commission's staff. 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, requesting comments from interested persons on the draft statement. The summary notice will also contain a statement to the effect that any comments of Federal agencies and State and local officials will be made available when received. The draft environmental statement will focus only on any matters which differ from those previously dis-

cussed in the final environmental statement prepared in connection with the issuance of the construction permit. 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.

The Commission will consider the issuance of facility operating licenses to Tennessee Valley Authority which would authorize the applicant to possess, use and operate the Watts Bar Nuclear Plant, Units 1 and 2, in accordance with the provisions of the license and the technical specifications appended thereto, upon: (1) The completion of a favorable safety evaluation on the application by the Office of Nuclear Reactor Regulation; (2) the completion of the environmental review required by the Commission's regulations in 10 CFR Part 51; (3) the receipt of a report on the applicant's application for facility operating licenses by the Advisory Committee on Reactor Safeguards; and (4) a finding by the Commission that the application for the facility licenses, as amended, complies with the requirements of the Atomic Energy Act of 1954, as amended (Act), and the Commission's regulations in 10 CFR Chapter 1. Construction of the facilities was authorized by Construction Permits Nos. CPPR-91 and CPPR-92, issued by the Commission on January 23, 1973. Construction of Unit 1 is anticipated to be completed by June 1, 1979, and Unit 2 by March 1, 1980.

Prior to issuance of any operating licenses, the Commission will inspect each facility to determine whether it has been constructed in accordance with the application, as amended, and the provisions of the Construction Permits. In addition, the licenses will not be issued until the Commission has made the findings reflecting its review of the application under the Act, which will be set forth in the proposed licenses, and has concluded that the issuance of the licenses will not be inimical to the common defense and security or to the health and safety of the public. Upon issuance of the licenses, the applicant will be required to execute an indemnity agreement as required by section 170 of the Act and 10 CFR Part 140 of the Commission's regulations.

On or before January 26, 1977, the applicant may file a request for a hearing with respect to issuance of the facility operating licenses and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed within the time prescribed in this notice, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing

Board will issue a notice of hearing or an appropriate order.

A petition for leave to intervene must be filed under oath or affirmation in accordance with the provisions of 10 CFR 2.714. As required in 10 CFR 2.714, a petition for leave to intervene shall set forth the interest of the petitioner in the proceeding, how the interest may be affected by the results of the proceeding, and any other contentions of the petitioner including the facts and reasons why he should be permitted to intervene, with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. Any such petition shall be accompanied by supporting affidavit identifying the specific aspect or aspects of the subject matter of the proceeding as to which the petitioner wishes to intervene and setting forth with particularity both the facts pertaining to this interest and the basis for this contention with regard to each aspect on which he desires to intervene. A petition that sets forth contention relating only to matters outside the jurisdiction of the Commission will be denied.

A request for a hearing or a petition for leave to intervene may be filed with the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, or may be delivered to the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. by January 26, 1977. A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 and to Herbert S. Sanger, Jr., Esq., General Counsel, Tennessee Valley Authority, 400 Commerce Avenue, Knoxville Tennessee 37902, attorney for the applicant.

A petition for leave to intervene which is not timely will not be granted unless the Commission, the presiding officer, or the Atomic Safety and Licensing Board designated to rule on the petition determines that the petitioner has made a substantial showing of good cause for failure to file on time and after considering those factors specified in 10 CFR § 2.714(a)(1)-(4) and § 2.714(d).

For further details pertinent to the matters under consideration, see the application for the facility operating licenses dated September 27, 1976, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Chattanooga—Hamilton County Bicentennial Public Library, 1001 Briard Street, Chattanooga, Tennessee. As they become available, the following documents may be inspected at the above locations: (1) The safety evaluation report prepared by the Office of Nuclear Reactor Regulation; (2) the draft environmental statement; (3) the

final environmental statement; (4) the report of the Advisory Committee on Reactor Safeguards on the application for facility operating licenses; (5) the proposed facility operating licenses; and (6) the technical specifications, which will be attached to the proposed facility operating licenses.

Copies of the proposed operating licenses and the ACRS report, when available, may be obtained by request to the Director, Division of Project Management, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Dated at Bethesda, Md. this 13th day of December 1976.

For the Nuclear Regulatory Commission.

STEVEN A. VARGA,  
Chief, Light Water Reactors Branch,  
No. 4, Division of Project Management

[FR Doc.76-37761 Filed 12-23-76;8:45 am]

## SECURITIES AND EXCHANGE COMMISSION

### BOSTON STOCK EXCHANGE

#### Applications for Unlisted Trading Privileges and of Opportunity for Hearing

DECEMBER 16, 1976.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the securities of the companies as set forth below, which securities are listed and registered on one or more other national securities exchanges:

Big Three Industries, Inc., capital stock, \$2.50 par value, File No. 7-4891.  
Hannaford Bros. Co., common stock, \$0.75 par value, File No. 7-4892.  
Kubota Ltd., American depository receipt shares, each representing 20 shares of dollar validated common stock, 50 yen par value, File No. 7-4893.  
New England Nuclear Corp., common stock, \$1 par value, File No. 7-4894.  
Pioneer Electric Corp., American depository receipt shares, each share of common stock, 50 yen par value, File No. 7-4895.  
Wang Laboratories, Inc., class B, common stock, \$0.50 par value, File No. 7-4896.

Upon receipt of a request, on or before January 1, 1977 from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing with respect to any particular applications, such application

will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc.76-37776 Filed 12-23-76;8:45 am]

### MIDWEST STOCK EXCHANGE, INC.

#### Application for Unlisted Trading Privileges and of Opportunity for Hearing

DECEMBER 16, 1976.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the security of the company as set forth below, which security is listed and registered on one or more national securities exchanges:

Kubota, Ltd., American depository receipt shares, each representing 20 shares of dollar validated common stock, 50 yen par value, File No. 7-4890.

Upon receipt of a request, on or before January 1, 1976 from any interested person, the Commission will determine whether the application with respect to the company named shall be set down for hearing. Any such request should state briefly the title of the security in which that person is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, not later than the date specified. If no request for a hearing with respect to the particular application is made, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc.76-37777 Filed 12-23-76;8:45 am]

### NATIONAL FUEL GAS CO. AND NATIONAL FUEL GAS DISTRIBUTION CORP.

Post-Effective Amendment Regarding Proposed Issuance and Sale of Bank Notes and/or Commercial Paper by Holding Company and Issuance and Sale of Short-Term Notes to Holding Company by Subsidiary Company

DECEMBER 17, 1976.

In the matter of National Fuel Gas Company, 30 Rockefeller Plaza, New

York, New York 10020; National Fuel Gas Distribution Corporation, 10 Lafayette Square, Buffalo, New York 14203.

Notice is hereby given, that National Fuel Gas Company ("National"), a registered holding company, and one of its subsidiary companies, National Fuel Gas Distribution Corporation ("Distribution Corporation"), have filed with this Commission a post-effective amendment to the application-declaration in this proceeding pursuant to Sections 6(a), 7, 9 (a), and 10 of the Public Utility Holding Company Act of 1935 ("Act") and Rule 50(a)(5) promulgated thereunder regarding the following proposed transactions. All interested persons are referred to the amended application-declaration, which is summarized below, for a complete statement of the proposed transactions.

By order in this proceeding dated May 11, 1976 (HCAR No. 19522), National was authorized from time to time through December 31, 1976, (1) to issue and sell short-term, unsecured notes to banks up to an aggregate principal amount at any one time outstanding of \$75,000,000 and (2) to issue and sell commercial paper up to an aggregate principal amount at any one time outstanding of \$20,000,000 (in addition to amounts of commercial paper previously authorized by HCAR No. 19317 (December 30, 1975)). The aggregate maximum principal amount of both the short-term unsecured notes to banks and commercial paper issued pursuant to this application-declaration at any one time outstanding was limited to \$75,000,000. The proceeds from the sale of National's short-term notes and/or commercial paper were to be used to acquire for cash from time to time up to \$20,000,000 aggregate principal amount at any one time outstanding of short-term unsecured notes proposed to be issued and sold by Distribution Corporation and up to \$55,000,000 aggregate principal amount at any one time outstanding of short-term unsecured notes proposed to be issued and sold by National Fuel Gas Supply Corporation.

National now proposes to continue to issue and sell from time to time through December 30, 1977, up to \$20,000,000 aggregate principal amount at any one time outstanding of its commercial paper and/or short-term unsecured notes to The Chase Manhattan Bank, N.A. ("Chase"), pursuant to the same terms as previously authorized in this proceeding. The notes to Chase will bear interest based on the Chase prime rate as it fluctuates from time to time. National has informally agreed with Chase to maintain average balances equaling 10% of the line of credit plus 10% of the average loans outstanding; however, the average balances maintained for normal operating needs are sufficient to cover these amounts. Assuming an average balance of 20% was required, the effective cost of money, based on a 6.50% prime rate, would be 8.125%.

National proposes to use the proceeds from the proposed financing to acquire

for cash from time to time up to \$20,000,000 aggregate principal amount at any one time outstanding of short-term unsecured notes from Distribution Corporation at National's actual cost of securing such funds. Each such note will be dated the same date and bear the same effective interest rate as the related commercial paper and/or short-term note of National. Each note of Distribution Corporation will mature within twelve months from its date of issue, with interest payable quarterly until the principal amount is paid in full. Distribution Corporation will have the option, after payment of all notes of prior maturity, to prepay any note issued pursuant to this transaction at any time or from time to time, in whole or in part, without premium, upon payment of all interest accrued on the principal amount so prepaid to the date of such prepayment.

Distribution Corporation proposes to use the proceeds from the sale of its notes for additional working capital, including working capital in connection with the purchase of synthetic natural gas. It is anticipated that in 1977 Distribution Corporation will need up to \$20,000,000 for this purpose.

National requests exception from the competitive bidding requirements of Rule 50 for the proposed issue and sale of its commercial paper pursuant to paragraph (a) (5) thereof and also requests authority to file certificates under Rule 24 with respect to the proposed transactions on a quarterly basis.

It is stated that no separable fees and expenses are to be incurred in connection with the proposed transactions and that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given, that any interested person may, not later than January 10, 1977, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said post-effective amendment to the application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicants-declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as 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.76-37779 Filed 12-23-76; 8:45 am]

**PHILADELPHIA STOCK EXCHANGE INC.**  
Application for Unlisted Trading Privileges  
and of Opportunity for Hearing

DECEMBER 16, 1976.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the security of the company as set forth below, which security is listed and registered on one or more other national securities exchanges:

Sabine Royalty Corp., common stock, no par value, File No. 7-4898.

Upon receipt of a request, on or before January 1, 1976, from any interested person, the Commission will determine whether the application with respect to the company named shall be set down for hearing. Any such request should state briefly the title of the security in which that person is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no request for a hearing with respect to the particular application is made, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc.76-37775 Filed 12-23-76; 8:45 am]

[Rel. No. 19813; 31-757]

**VERMONT MARBLE CO.**

Request for Exemption From Electric Utility Status

DECEMBER 17, 1976.

In the matter of Vermont Marble Company, 61 Main Street, Proctor, Vermont 05765.

Notice is hereby given that the Vermont Marble Company ("VMCo"), a Vermont corporation, has filed an appli-

cation with this Commission, pursuant to section 2(a)(3) of the Public Utility Holding Company Act of 1935 ("Act"), requesting the entry of an order declaring it not to be an electric utility company as that phrase is defined in the Act. All interested persons are referred to the application, which is summarized below, for a complete statement of the request for exemption.

VMCo was incorporated in 1894 in Vermont and its principal place of business is at Proctor, Vermont. It engages primarily in the business of marble quarrying and fabrication, manufacture of container machinery and production of crushed and other stone products. VMCo also engages in the business of sale of real estate and construction. VMCo's total consolidated revenues for the year ended December 31, 1975 were \$18,067,654, approximately 95% of which come from marble quarrying and fabrication, manufacture of container machinery and production of crushed and other stone products.

VMCo owns and operates four electric generating facilities, each of which is an hydro-electric plant located on Otter Creek in Vermont. VMCo states that these facilities produced 54,097,048 kwh of electricity during the year ended December 31, 1975, of which 27,899,000 kwh were used by VMCo and White Pigment Corporation, in which VMCo has a 50% interest. VMCo supplies electricity to residential and commercial users in and around the town of Proctor. In addition, VMCo sells electricity to Allied Power & Light Company, a Vermont utility company, and surplus power primarily to the Central Vermont Public Service Corporation. VMCo's sales revenues from sales of electric energy to such users, for the year ended December 31, 1975, totaled \$555,000.

Due to the use of a navigable waterway in its generating operation, VMCo is subject to regulation by the Federal Power Commission. In addition, VMCo is subject to regulation by the Vermont Public Service Board.

By agreement, dated September 15, 1976, certain individuals, estates and personal trusts that were shareholders of VMCo, agreed, subject to certain conditions, to sell shares of common stock of VMCo, representing about 75% of the outstanding shares, to Pluess-Stauffer (North American) Inc. ("PS(NA)"), a subsidiary of Pluess Stauffer AG, ("PS (Switzerland)"), a Swiss corporation. The sale was completed on November 23, 1976. PS(NA) also agreed to make a tender offer for the remaining outstanding shares.

Despite its ownership and operation of the facilities described, VMCo believes that it is entitled to an order, as provided by section 2(a)(3), exempting it from the status of an electric utility company under the Act.

VMCo states: (1) that it is and always has been primarily engaged in marble quarrying and the fabrication of other stone products and (2) that its electric energy output is primarily for

use in its own facilities or those of White Pigment Corporation. For the year ended December 31, 1975, only about 1% of VMCo's consolidated revenues came from sale of electric energy to others than White Pigment.

It further states that its distribution of electricity in and around the town of Proctor originated when it owned said town, and is still ancillary to the conduct of its operations in that community and that its sales of surplus power are incidental to the economical and efficient operation of its generating facilities for its own use.

Notice is further given that any interested person may, not later than January 14, 1977 request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any other request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted in the manner provided in Rule 23 of the General Rules and Regulations promulgated under the Act or the Commission may take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc.76-37778 Filed 12-23-76;8:45 am]

[Administrative Proceeding File No. 3-5123;  
File No. 81-234]

#### PHILIPSBORN, INC.

#### Application and Opportunity for Hearing

DECEMBER 8, 1976.

Notice is hereby given that Philipsborn, Inc. ("Applicant") has filed an application pursuant to section 12(h) of the Securities Exchange Act of 1934, as amended ("1934 Act"), that Applicant be granted an exemption from filing an annual report on Form 10-K for the fiscal year ended July 31, 1976, and a quarterly report on Form 10-Q for the quarter ending October 31, 1976.

Section 12(g) of the 1934 Act requires the registration of the equity securities of every issuer which is engaged in a business affecting interstate commerce or

whose securities are traded by use of the mails or any means or instrumentality of interstate commerce, and on the last day of the fiscal year has total assets exceeding \$1 million and a class of equity securities held of record by 500 or more persons. Registration is terminated 90 days after the issuer filed a certification with the Commission that the number of holders of the registered class of securities is fewer than 300 persons.

Section 13 of the 1934 Act requires that issuers of securities registered pursuant to section 12 shall file with the Commission, in accordance with such rules and regulations as the Commission may prescribe as necessary or appropriate for the proper protection of investors and to insure fair dealing in the security certain annual, current and quarterly reports.

Section 12(h) of the 1934 Act empowers the Commission to exempt, in whole, or in part, any issuer or class of issuers from the provisions of sections 12(g) or 13 of the 1934 Act, if the Commission finds, by reason of the number of public investors, amount of trading interest in the securities, the nature and extent of the activities of the issuer, income or assets of the issuer or otherwise, that such exemption is not inconsistent with the public interest or protection of investors.

#### The Applicant states in part that:

(1) Applicant is a Delaware corporation, subject to the reporting provisions of Section 13 of the 1934 Act.

(2) On July 29, 1976 through a merger, the Applicant became a wholly-owned subsidiary of Philout Inc. whereby all the applicable securities outstanding are now owned by Philout which is itself a wholly-owned subsidiary of the Outlet Company.

(3) The Outlet Company is a reporting company under the 1934 Act, and its reports will incorporate the financial results of the Applicant.

(4) There is no trading in the Applicant's common stock.

In the absence of an exemption, Applicant would be required to file an annual report on Form 10-K for the fiscal year ended July 31, 1976 and a quarterly report on Form 10-Q for the quarter ending October 31, 1976, because its terminating certification pursuant to section 12(g)(4) did not become effective until November 4, 1976.

The Applicant states that, in view of the fact that there is only one shareholder of the Applicant, that there is no trading in its stock and that its financial losses would be increased by the auditing expenses necessary to prepare and file the required reports, it should be relieved of the reporting obligations referred to above.

For a more detailed statement of the information presented, all persons are referred to the application which is on file in the offices of the Commission at 500 North Capitol Street, N.W., Washington, D.C. 20549.

Notice is further given that any interested person, not later than January 10, 1977, may submit to the Commission in writing his views or any substantial facts bearing on this application or the desirability of a hearing thereon. Any such

communication or request should be addressed to: Secretary, Securities and Exchange Commission, 500 North Capitol Street, N.W., Washington, D.C. 20549 and should briefly state the nature of the interest, the reasons for such request and the issues of fact or law raised by the application which he desires to controvert. At any time after said date, an order granting the application in whole or in part may be issued upon request or upon the Commission's own motion.

By the Commission,

GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc.76-37963 Filed 12-23-76;8:45 am]

### SMALL BUSINESS ADMINISTRATION

[License No. 08/08-0039]

#### ASSOCIATED CAPITAL CORP.

#### Issuance of a Small Business Investment Company License

On July 9, 1976, a notice was published in the FEDERAL REGISTER (41 FR 28371) stating that an application had been filed by Associated Capital Corporation, 5151 Bannock Street, Denver, Colorado 80216 with the Small Business Administration (SBA) pursuant to § 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1976)) for a license as a small business investment company.

Interested parties were given until the close of business July 26, 1976, to submit their comments to SBA. No comments were received.

Notice is hereby given that, pursuant to section 301(c) of the Small Business Investment Act of 1958, as amended, after having considered the application and all other pertinent information, SBA issued License No. 08/08-0039 on November 16, 1976, to Associated Capital Corporation, to operate as a small business investment company.

(Catalog of Federal Domestic Assistance Program No. 59.011 Small Business Investment Companies.)

Dated: December 16, 1976.

PETER F. McNEISH,  
Deputy Associate  
Administrator for Investment.

[FR Doc.76-37773 Filed 12-23-76;8:45 am]

[License No. 05/07-0037]

#### REPUBLIC CAPITAL CORP.

#### Surrender of License

Notice is hereby given that Republic Capital Corporation, 33 North LaSalle Street, Chicago, Illinois 60602, incorporated under the laws of the State of Illinois on May 13, 1961, has surrendered its license, issued by the Small Business Administration on July 10, 1961.

Republic has complied with all conditions set forth by SBA for the surrender of its license. Therefore, under the authority vested by the Small Business In-

vestment Act of 1958, as amended, and pursuant to the Regulations promulgated thereunder, the surrender of the license of Republic is hereby accepted and it is no longer licensed to operate as a small business investment company.

(Catalog of Federal Domestic Assistance Program No. 59.011 Small Business Investment Companies.)

Dated: December 16, 1976.

PETER F. McNEISH,  
Deputy Associate  
Administrator for Investment.

[FR Doc.76-37771 Filed 12-23-76;8:45 am]

### DEPARTMENT OF THE TREASURY

#### Fiscal Service

[Dept. Circ. 570, 1976 Rev., Supp. No. 8]

#### FIRST FINANCIAL INSURANCE CO.

#### Surety Companies Acceptable On Federal Bonds

A Certificate of Authority as an acceptable surety on Federal bonds has been issued by the Secretary of the Treasury to the following company under Sections 6 to 13 of Title 6 of the United States Code. An underwriting limitation of \$204,000 has been established for the company.

NAME OF COMPANY, LOCATION OF PRINCIPAL EXECUTIVE OFFICE, AND STATE IN WHICH INCORPORATED

FIRST FINANCIAL INSURANCE COMPANY  
CHICAGO, ILLINOIS  
ILLINOIS

Certificates of Authority expire on June 30 each year, unless sooner revoked, and new certificates are issued on July 1 so long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of July 1 in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact surety business and other information. Copies of the circular, when issued, may be obtained from the Audit Staff, Bureau of Government Financial Operations, Department of the Treasury, Washington, D.C. 20226.

Dated: December 17, 1976.

D. A. PAGLIAL,  
Commissioner, Bureau of Gov-  
ernment Financial Opera-  
tions.

[FR Doc.76-37866 Filed 12-23-76;8:45 am]

#### Office of the Secretary

#### STEEL-WALLED ABOVE-GROUND SWIMMING POOLS FROM JAPAN

#### Tentative Discontinuance of Antidumping Investigation

Information was received in proper form on March 18, 1976, from counsel acting on behalf of Muskin Corporation, Colton, California, alleging that steel-walled above-ground swimming pools from Japan were being sold at less than fair value, thereby causing injury to, or

the likelihood of injury to, or the prevention of the establishment of an industry in the United States, within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160, et seq.) (referred to in this notice as "the Act"). On the basis of this information and subsequent preliminary investigation by the Customs Service, an "Antidumping Proceeding Notice" was published in the FEDERAL REGISTER of April 21, 1976 (41 FR 16667).

The Secretary concluded that a tentative determination could not reasonably be made within the usual six-month period. The period in this case was therefore extended to no more than eight months, and a "Notice of Extension of Investigatory Period" to that effect was published in the FEDERAL REGISTER of October 7, 1976 (41 FR 44197).

#### TENTATIVE DISCONTINUANCE

On the basis of information developed in Customs' investigation and for the reasons stated below, pursuant to section 201(b) of the Act (19 U.S.C. 160(b)), I hereby determine that the antidumping investigation concerning steel-walled above-ground swimming pools from Japan should be tentatively discontinued.

#### STATEMENT OF REASONS ON WHICH THIS DETERMINATION IS BASED

The reasons and bases for the above tentative determination are as follows:

a. *Scope of the Investigation.* It appears that approximately 90 percent of the imports of the subject merchandise from Japan are manufactured by Asahi Chemical Industry Co., Inc., Soka City, Japan. Therefore, the investigation was limited to this manufacturer.

b. *Basis of Comparison.* For the purposes of considering whether the merchandise in question is being, or is likely to be, sold at less than fair value within the meaning of the Act, the proper basis of comparison appears to be between the purchase price and the third-country price of such or similar merchandise. Purchase price, as defined in section 203 of the Act (19 U.S.C. 162), was used since all export sales to the United States appear to be made to non-related customers. Third-country price, as defined in § 153.3, Customs Regulations (19 CFR 153.3), was used since such or similar merchandise does not appear to be sold by Asahi in the home market in sufficient quantities to provide a basis for fair value. Sales to Canada were chosen as the basis for the determination of third-country price or fair value because sales from Asahi to Canada were made in quantities most similar to those sales made to the United States.

In accordance with § 153.31(b), Customs Regulations (19 CFR 153.31(b)), pricing information was obtained concerning imports and third-country sales during the period November 1, 1975, through April 30, 1976.

c. *Purchase Price.* For the purposes of this tentative discontinuance, since all merchandise was purchased or agreed to be purchased, prior to the time of exportation, by the persons by whom or for whose account it was imported, within

the meaning of section 203 of the Act, the purchase price has been calculated on the basis of the f.o.b. price to unrelated United States purchasers with deductions for inland freight and shipping costs, as appropriate.

d. *Third-Country Price.* For the purposes of this tentative discontinuance, the third-country price has been calculated on the basis of the f.o.b. price to unrelated Canadian purchasers. Adjustments have been made for inland freight and shipping costs and for differences in the following costs associated with Asahi's sales to Canada and to the United States: interest expense, bank charges, packing and merchandise.

Adjustments for differences in interest expense, bank charges, and packing were made in accordance with § 153.10, Customs Regulations (19 CFR 153.10). Each of the foregoing costs was directly related to the sales under consideration.

Adjustments for differences in merchandise relate to the difference in direct production costs between similar pools sold to Canada and to the United States and were made in accordance with § 153.11, Customs Regulations (19 CFR 153.11).

The petition contained an allegation that sales of the subject merchandise to third countries were being made at less than the cost of producing the merchandise as defined in section 205(b) of the Act. An analysis of the Japanese manufacturer's production costs, which were taken from actual records reflecting material, labor, and general expenses directly related to the production of the subject merchandise, has not supported that allegation. Although analysis of these data has not revealed sales below cost at this time, additional information with respect to cost of production has been requested. Pending receipt of this information, sales to a third country, Canada, have been utilized as being above cost.

e. *Result of Fair Value Comparisons.* Using the above criteria, comparisons were made on virtually all of the sales of the subject merchandise to the United States by Asahi Chemical Industry Co., Inc., during the representative period and those comparisons indicated that in some instances purchase price was less than the third-country price of such or similar merchandise. However, although margins were tentatively found ranging from less than one to 27 percent on 24 percent of the sales to the United States made by Asahi, the weighted average margin when weighted over 100 percent of the sales compared tentatively amounted to 1.18 percent, pending verification of certain cost data with respect to comparisons involving similar merchandise sold to Canada. Those margins are deemed to be minimal in terms of the volume of sales involved. In addition, formal assurances have been received from counsel acting on behalf of Asahi Chemical Industry Co., Inc., that Asahi will make no future sales at less than fair value within the meaning of the Act.

Accordingly, the antidumping investigation of steel-walled above-ground swimming pools from Japan is being tentatively discontinued in accordance with section 201(b)(1)(C) of the Act (19 U.S.C. 160(b)(1)(C)), and section 153.33(a)(1), Customs Regulations (19 CFR 153.33(a)(1)).

In accordance with §§ 153.33(b) and 153.40, interested persons may present written views or arguments, or request in writing that the Secretary of the Treasury afford an opportunity to present oral views.

Any request that the Secretary of the Treasury afford an opportunity to present oral views should be addressed to the Commissioner of Customs, 1301 Constitution Avenue, N.W., Washington, D.C. 20229, in time to be received by his office not later than January 6, 1977. Such request must be accompanied by a statement outlining the issues wished to be discussed.

This notice is published pursuant to § 153.33(b), Customs Regulations (19 CFR 153.33(b)).

JERRY THOMAS,  
*Under Secretary of the Treasury.*  
[FR Doc.76-37901 Filed 12-23-76; 8:45 am]

#### Office of the Secretary

[Public Debt Series, No. 33-76]

#### TREASURY NOTES SERIES U-1978

##### Interest Rates

DECEMBER 21, 1976.

The Secretary of the Treasury announced on December 20, 1976, that the interest rate on the notes described in Department Circular, Public Debt Series, No. 33-76, dated December 13, 1976, will be 5¼ percent per annum. Accordingly, the notes are hereby redesignated 5¼ percent Treasury Notes of Series U-1978. Interest on the notes will be payable at the rate of 5¼ percent per annum.

PAUL H. TAYLOR,  
*Acting Fiscal  
Assistant Secretary.*  
[FR Doc.76-37811 Filed 12-23-76; 8:45 am]

#### INTERSTATE COMMERCE COMMISSION

[Notice No. 220]

#### ASSIGNMENT OF HEARINGS

DECEMBER 21, 1976.

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.

I&S M 29192, Multiple Tender Allowances, Transamerican Freight Lines and I&S M 29193, Multiple Tender and Pickup Allowances, Transamerican Freight Lines now assigned December 28, 1976 at the Offices of the Interstate Commerce Commission is now being cancelled.

MC 140513 Sub 1, L.S.T. Co., Inc., and MC 141114 Sub 1, Retailers Delivery Facility Co., Inc., now being assigned January 25, 1977 in a hearing room to be later designated.

AB 3 (Sub-No. 10), Missouri Pacific Railroad Company Abandonment between Bronson and Iola, In Allen and Bourbon Counties, Kansas, now assigned January 25, 1977, at Iola, Kansas will be held in the Iola State Bank.

MC 140829 (Sub-No. 10) Cargo Contract Carrier Corp., now assigned January 28, 1977, at Omaha, Nebr. will be held in Room 616, Union Pacific Plaza, 110 N. 14th Street, 14th and Dodge.

MC 128273 (Sub-No. 231), Midwestern Distribution, Inc., now assigned January 31, 1977, at Omaha, Nebr. will be held in Room 616, Union Pacific Plaza, 110 N. 14th Street, 14th and Dodge.

MC 136168 (Sub-No. 8), Wilson Certified Express, Inc., now assigned February 1, 1977, at Omaha, Nebr. will be held in Room 616, Union Pacific Plaza, 110 N. 14th Street, 14th and Dodge.

MC 114725 (Sub-No. 75), Wynne Transport Service, Inc., now assigned February 3, 1977, at Omaha, Nebr. will be held in Room 616, Union Pacific Plaza, 110 N. 14th Street, 14th and Dodge.

AB 19 (Sub-No. 27), Baltimore and Ohio Railroad Company Abandonment between Flora and Sangamon Junction, In Clay, Effingham, Fayette, Shelby, Christian and Sangamon Counties, Illinois, now assigned January 24, 1977, at Effingham, Ill. will be held in the Circuit Courtroom, Effingham Courthouse, Washington and Third Street.

MC 61592 (Sub-No. 391), Jenkins Truck Line, Inc., now assigned January 17, 1977, at Chicago, Ill. will be held in Room 1743, Everett McKinley Dirksen Building, 219 South Dearborn St.

MC 133880 (Sub-No. 4), Alter Trucking and Terminal Corp., now assigned January 13, 1977, at Chicago, Ill. will be held in Room 1743, Everett McKinley Dirksen Building, 219 South Dearborn Street.

MC 142254, Friedl Fuel & Cartage, Inc., now assigned January 19, 1977, at Chicago, Ill. will be held in Room 1743, Everett McKinley Dirksen Building, 219 South Dearborn Street.

MC 140829 (Sub-No. 13), Cargo Contract Carrier Corp., now assigned January 20, 1977, at Chicago, Ill. will be held in Room 1743, Everett McKinley Dirksen Building, 219 South Dearborn Street.

MC 128273 (Sub-No. 232), Midwestern Distribution, Inc., now being assigned January 21, 1977 (1 day), a Chicago, Ill. in Room 1743, Everett McKinley Dirksen Building, 219 South Dearborn Street.

MC-C-9025, Kane Transfer Company-v-Jacobs Transfer, Inc., has been continued to January 5, 1977, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 140513 Sub 1, L.S.T. Co., Inc., and MC 141114 Sub 1, now being assigned January 25, 1977, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 110191 Sub 28, Turner's Express, Inc., now being assigned February 8, 1977 (3 days), at Richmond, Va., in a hearing room to be later designated.

AB 31 Sub 3, Grand Trunk Western Railroad Company Abandonment Between Inlay City And Caseville in Lapeer, Tuscola And Huron Counties, Michigan, now assigned January 31, 1977 (1 Week), at Cass City, Michigan, will be held at Culture Center, 6787 Church Street.

MC 82841 Sub 170, Hunt Transportation, Inc., now assigned January 27, 1977 (2 days), at Chicago, Ill., will be held in room 1944C, Everett McKinley Dirksen Bldg., 219 South Dearborn Street.

MC 142107 Sub 1, H & M Trucking Co., now assigned January 25, 1977, (2 Days), at Chicago, Ill., will be held in Room 1944C, Everett McKinley Dirksen Bldg., 219 South Dearborn Street.

ROBERT L. OSWALD,  
Secretary.

[FR Doc.76-37912 Filed 12-23-76;8:45 am]

#### FOURTH SECTION APPLICATION FOR RELIEF

DECEMBER 21, 1976.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

FSA No. 43289—*Annual Volume Rates-Chemicals-Between Points in the United States*. Filed by Southwestern Freight Bureau, Agent, No. B-645), for interested rail carriers. Rates on ethylene glycol, in tank-car loads, minimum 190,000 pounds per car, from Plaquemine and Taft, La., and North Seadrift and Texas City, Tex., to Earl and Fiberton, N.C., and Darlington and Greer, S.C.

Grounds for relief—Market competition.

Tariff—Supplement 7 to Southwestern Freight Bureau, Agent, tariff 11-H, ICC 5242. Rates are published to become effective on February 1, 1977.

FSA No. 43290—*Grain and Grain Products Within the Western District*. Filed by Pacific Southcoast Freight Bureau, Agent, (No. 271), for interested rail carriers. Rates on wheat and wheat flour, in carloads, as described in the application, from points in Montana, to points in California.

Grounds for relief—Carrier competition.

Tariff—Supplement 51 to Pacific Southcoast Freight Bureau, Agent, tariff 241-G, ICC 1927. Rates are published to become effective on January 25, 1977.

By the Commission.

ROBERT L. OSWALD,  
Secretary.

[FR Doc.76-37911 Filed 12-23-76;8:45 am]

#### [Notice No. 171]

#### MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

DECEMBER 20, 1976.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

#### MOTOR CARRIERS OF PROPERTY

No. MC 10343 (Sub-No. 31TA) filed December 10, 1976. Applicant: CHURCH HILL TRUCK LINES, INC., U.S. Highway 36 West, P.O. Box 250, Chillicothe, Mo. 64601. Applicant's representative: Vernon M. Masters (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *Paper and paper products*, from the Chicago, Ill., Commercial Zone, to the plantsite and warehouse facilities of McCleery Cumming Company, Washington, Iowa, as an off-route in connection with applicant's regular route authority to and from Grandview and/or Mt. Pleasant, Iowa, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: McCleery Cumming Company, Washington, Iowa 52353. Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, 600 Federal Bldg., 911 Walnut St., Kansas City, Mo. 64106.

No. MC 59457 (Sub-No. 34TA) filed December 14, 1976. Applicant: SOREN-

SON TRANSPORTATION CO., INC., Old Amity Road, Bethany, Conn. 06526. Applicant's representative: Thomas W. Murrett, 432 Main St., West Hartford, Conn. 06117. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *Dated, printed publications, and parts thereof*, from the plantsite of the Shenandoah Valley Press, Division of Judd Incorporated, at or near Strasburg, Va., in connection with applicant's regular route authority, between New York, N.Y., and Washington, D.C., as contained in Docket No. MC 59457 Sub-No. 21. Applicant intends to tack its existing authority with MC 59457, for 180 days. Supporting shipper: Shenandoah Valley Press, Div. of Judd Inc., 1500 Eckington Place, Washington, D.C. 20002. Send protests to: J. D. Perry, Jr., District Supervisor, Interstate Commerce Commission, 324 U.S. Post Office Bldg., 135 High St., Hartford, Conn. 06101.

No. MC 78228 (Sub-No. 60TA) filed December 7, 1976. Applicant: J. MILLER EXPRESS, INC., 962 Greentree Road, Pittsburgh, Pa. 15220. Applicant's representative: Henry M. Wick, Jr., 2310 Grand Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Activated carbon*, in bulk, in dump vehicles, from Catlettsburg, Ky., to Dimmitt, Tex.; Pekin, Ill.; Dayton, Ohio; and Decatur, Ala., 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: John J. England, District Supervisor, Interstate Commerce Commission, 2111 Federal Bldg., 1000 Liberty Ave., Pittsburgh, Pa. 15222.

No. MC 93944 (Sub-No. 10TA) filed December 13, 1976. Applicant: DANELLA BROS., INC., 2280 Butler Pike, Plymouth Meeting, Pa. 19462. Applicant's representative: Theodore Polydoroff, Suite 600, 1250 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Chrome ore*, from the plantsite of Allenwood Steel, at or near Conshohocken, Pa., and the plantsite of Bethlehem Steel at or near Bethlehem, Pa., to Chester, Pa., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Airco Alloys, P.O. Box 368, Niagara Falls, N.Y. 14304. Send protests to: Monica A. Blodgett, Transportation Assistant, Interstate Commerce Commission, 600 Arch St., Room 3238, Philadelphia, Pa. 19106.

No. MC 112520 (Sub-No. 327TA), filed December 13, 1976. Applicant: MCKENZIE TANK LINES, INC., P.O. Box 1200, 122 Appleyard Drive, Tallahassee, Fla. 32302. Applicant's representative: Sol H. Proctor, 1101 Blackstone Bldg., Jacksonville, Fla. 32202. Authority sought to op-

erate as a *common carrier*, by motor vehicle, over irregular routes, transporting: D'Limonene (citrus stripper oil), in bulk, in tank vehicles, from points in Hillsborough, Polk, and Manatee Counties, Fla., to Brunswick, Ga., for 180 days. Supporting shipper: Hercules Incorporated, 900 Life of Georgia Tower, Atlanta, Ga. 30308. Send protests to: G. H. Fauss, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 W. Bay St., Jacksonville, Fla. 32202.

No. MC 112617 (Sub-No. 355TA), filed December 10, 1976. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 21395, Louisville, Ky. 40221. Applicant's representative: Charles R. Dunford (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, in tank vehicles, from Terra Haute, Ind., to points in Illinois, Indiana, Ohio, and St. Louis, Mo., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: James A. Doti, President, Jadcore, Inc., 1854 N. Fruitridge Ave., Terre Haute, Ind. 47805. Send protests to: Elbert Brown, Jr., District Supervisor, Interstate Commerce Commission, 426 Post Office Bldg., Louisville, Ky. 40202.

No. MC 112750 (Sub-No. 333TA) filed December 10, 1976. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, N.Y. 11040. Applicant's representative: Elizabeth L. Hensch (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Microfilm, microfiche, microforms and related items*, used in the business of banks and banking institutions, between Flora, Miss., on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Indiana, Kentucky, Louisiana, North Carolina, Ohio, South Carolina, Tennessee and Texas, for 90 days. Supporting shippers: There are approximately 209 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: Maria B. Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Bldg., New York, N.Y. 10007.

No. MC 114194 (Sub-No. 191TA), filed December 13, 1976. Applicant: KREIDER TRUCK SERVICE, INC., 8003 Collinsville Road, East St. Louis, Ill. 62201. Applicant's representative: Donald D. Metzler (same address as applicant). Authority sought as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcohol*, in bulk, from the plant and/or storage facilities of Archer Daniels Midland Company, at Decatur, Ill., to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Jerry C. Slaughter, General Traffic Manager, Archer Daniels

Midland Company, P.O. Box 1470, Decatur, Ill. 62525. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, P.O. Box 2418, Springfield, Ill. 62705.

No. MC 114896 (Sub-No. 1TA) filed December 13, 1976. Applicant: PUROLATOR SECURITY, INC., 1111 W. Mockingbird Lane, Suite 1401, Dallas, Tex. 75247. Applicant's representative: Elizabeth L. Hensch, 3333 New Hyde Park Road, New Hyde Park, N.Y. 11040. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Unique (currency) paper*, between Dalton, Maine and Washington, D.C., under a continuing contract with General Services Administration, for 180 days. Supporting shipper: General Services Administration, Crystal Mall Bldg., No. 4, Washington, D.C. 20406. Send protests to: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce St., Room 13C12, Dallas, Tex. 75242.

No. MC 118989 (Sub-No. 149TA) filed December 13, 1976. Applicant: CONTAINER TRANSIT, INC., 5223 S. 9th St., Milwaukee, Wis. 53221. Applicant's representative: Albert A. Andrin, 180 N. LaSalle St., Chicago, Ill. 60601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers and metal container closures*, from Sharonville, Ohio, to Jackson and Nashville, Tenn., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: The Continental Group, Inc., 150 S. Wacker Drive, Chicago, Ill. 60606. Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Bldg. and Courthouse, 517 E. Wisconsin Ave., Room 619, Milwaukee, Wis. 53202.

No. MC 119226 (Sub-No. 96TA), filed December 9, 1976. Applicant: LIQUID TRANSPORT CORP., 3901 Madison Ave., Indianapolis, Ind. 46227. Applicant's representative: Robert W. Loser, 1109 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcohol*, in bulk, from the plant and storage facilities of Archer Daniels Midland Company, Decatur, Ill., to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Archer Daniels Midland Company, P.O. Box 1470, Decatur, Ill. 62525. Send protests to: Fran Sterling, Interstate Commerce Commission, Federal Bldg., & U.S. Courthouse, 46 E. Ohio St., Room 29, Indianapolis, Ind. 46204.

No. MC 119670 (Sub-No. 27TA), filed December 13, 1976. Applicant: THE VICTOR TRANSIT CORPORATION, 5250 Este Ave., Cincinnati, Ohio 45232. Applicant's representative: Robert H. Kinker, 314 W. Main St., P.O. Box 464, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor

vehicle, over irregular routes, transporting: *Manufactured fertilizer and materials* used in the manufacture of fertilizer (except in bulk), from Winchester, Ky., to points in West Virginia, for 180 days. Supporting shipper: H. V. Knight, Jr., General Traffic Manager, Southern States Cooperative, Inc., 7th & Main Sts., Richmond, Va. 23213. Send protests to: Paul J. Lowry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5514-B Federal Bldg., 550 Main St., Cincinnati, Ohio 45202.

No. MC 123255 (Sub-No. 96TA), filed December 14, 1976. Applicant: B & L MOTOR FREIGHT, INC., 140 E. Everett Ave., 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: *Paper and paper products*, from the plantsite and warehouse facilities of Inland Container Corporation, located at or near Hazelton, Pa., on the one hand, and, points in New Jersey and New York, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Inland Container Corporation, P.O. Box 925, Indianapolis, Ind. 46206. Send protests to: Frank L. Calvary, District Supervisor, Interstate Commerce Commission, 220 Federal Bldg., & U.S. Courthouse, 85 Marconi Blvd., Columbus, Ohio 43215.

No. MC 124813 (Sub-No. 164TA), filed December 14, 1976. Applicant: UMHUN TRUCKING CO., 910 S. Jackson St., P.O. Box 166, Eagle Grove, Iowa 50533. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Deflourinated phosphate feed*, from the storage facilities utilized by Occidental Chemical Company, at Rock Island, Ill., to points in Oklahoma, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Occidental Chemical Company, P.O. Box 1185, Houston, Tex. 77001. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Bldg., Des Moines, Iowa 50309.

No. MC 125035 (Sub-No. 43TA), filed December 6, 1976. Applicant: RAY E. BROWN TRUCKING, INC., 1266 Stuart St., N.W., P.O. Box 501, Massillon, Ohio 44646. Applicant's representative: David L. Pemberton, 50 W. Broad St., Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal feed, materials and supplies* (except commodities in bulk); (a) from Sebring, Ohio, to Fort Wayne, Ind.; Chattanooga, Tenn.; and Mechanicsburg, Pa.; and (b) from Oconomowoc, Wis., to Sebring, Ohio, under a continuing contract with Carnation Company, for 180 days. Applicant has also filed an underlying ETA

seeking up to 90 days of operating authority. Supporting shipper: Carnation Company, Box 351, Sebring, Ohio 44672. Send protests to: Frank L. Calvary, District Supervisor, Interstate Commerce Commission, 220 Federal Bldg., and U.S. Courthouse, 85 Marconi Blvd., Columbus, Ohio 43215.

No. MC 129301 (Sub-No. 4TA), filed December 14, 1976. Applicant: ENGLISH AND SONS CORPORATION, 412 Kings Highway, Thorofare, N.J. 08086. Applicant's representative: James H. Sweeney, P.O. Box 684, Woodbury, N.J. 08096. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Room fresheners*, from Camden, N.J., to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee, under a continuing contract with Certified Chemicals, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Certified Chemicals, Inc., Jefferson & Master Streets, Camden, N.J. 08104. Send protests to: Dieter H. Harper, District Supervisor, Interstate Commerce Commission, 428 E. State St., Room 204, Trenton, N.J. 08608.

No. MC 134105 (Sub-No. 16TA), filed December 13, 1976. Applicant: CELERY-VALE TRANSPORT, INC., 1011 First Tennessee Bank Bldg., Chattanooga, Tenn. 37402. Applicant's representative: Jack H. Blanshan, Suite 205 W. Touhy Ave., Park Ridge, Ill. 60068. 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 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 plantsites and storage facilities of Farmland Foods, Inc., at or near Carroll, Denison and Iowa Falls, Iowa, to Birmingham, Dothan, Leeds, Mobile, Montgomery, Selma and Tuscaloosa, Ala.; Daytona Beach, Ft. Lauderdale, Gainesville, Hollywood, Jacksonville, Miami, Orlando, Plant City, Pompano Beach, Tallahassee and Tampa, Fla.; Albany, Athens, Atlanta, Augusta, Columbus, Doraville, Dublin, Macon, Rome, Savannah, Thomasville and Waycross, Ga.; and Chattanooga, Greenville, Jackson, Johnson City, Knoxville, Memphis, Murfreesboro and Nashville, Tenn., restricted to the transportation of traffic originating at the named origins and destined to the named destinations, for 180 days. Supporting shipper: Farmland Foods, Inc., P.O. Box 403, Denison, Iowa 51442. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Suite A-422, U.S. Courthouse, 801 Broadway, Nashville, Tenn. 37203.

No. MC 135797 (Sub-No. 63TA), filed December 13, 1976. Applicant: J. B. JUNT TRANSPORT, INC., P.O. Box 200, U.S. Highway 71, Lowell, Ark. 72745. Applicant's representative: Don Garrison, 204

Highway 71 North, Springdale, Ark. 72764. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood residuals*, from Willis, Nebr., to points in Alabama, Arkansas, Colorado, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Minnesota, New Mexico, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas and Wisconsin, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: The Willis Company, R. R. No. 1, Jackson, Nebr. 68743. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Bldg., 700 W. Capitol, Little Rock, Ark. 72201.

No. MC 138522 (Sub-No. 3TA), filed December 13, 1976. Applicant: R. G. STANKO EXPRESS, INC., West Highway 20, P.O. Box 509, Gordon Nebr. 69343. Applicant's representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meat, meat products and 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, from the facilities of Nebraska Beef Packers Co., at or near Gordon, Nebr., and the facilities of Stanko Packing Company, at or near Gering, Nebr. Restriction: The operations authorized herein are limited to a transportation service to be performed under a continuing contract with Nebraska Beef Packers Co., of Gordon, Nebr., and Stanko Packing Company, doing business as Nebraska Beef Packers, of Gering, Nebr., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: R. G. Stanko, Secretary-Treasurer, Nebraska Beef Packers, Company, Gering, Nebr. 69343. R. G. Stanko, Secretary-Treasurer, Stanko Packing Co., dba. Nebraska Beef Packers, Gering, Nebr. 69341. Send protests to: Max H. Johnston, District Supervisor, 285 Federal Bldg., & Courthouse, 100 Centennial Mall North, Lincoln, Nebr. 68508.

No. MC 139163 (Sub-No. 8TA) filed December 13, 1976. Applicant: ELECTRONIC RIGGERS OF FLORIDA, INC., 1256 La Quinta Drive, Orlando, Fla. 32809. Applicant's representative: M. Craig Massey, 202 E. Walnut St., P.O. Drawer J, Lakeland, Fla. 33802. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Copying machines, and parts, materials and supplies used in the manufacture, installation or sale of such commodities, between Lake City, Fla., on the one hand, and, on the other, points in Appling, Atkinson, Bacon, Berrein, Brantley, Brooks, Bryan, Bulloch, Camden, Candler, Charlton, Chatham, Clinch, Coffee, Colquitt, Cook, Decatur, Echols, Effingham, Evans, Glynn, Grady, Irwin, Jeff Davis, Lanier, Liberty, Long,*

Lowndes, McIntosh, Pierce, Screven, Seminole, Tattnall, Thomas, Tift, Toombs, Ware and Wayne Counties, Ga., under a continuing contract with Xerox Corporation, for 180 days. Supporting shipper: Xerox Corporation, 3000 Des Plaines Road, Des Plaines, Ill. 60067. Send protests to: G. H. Fauss, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box 35008, 400 W. Bay St., Jacksonville, Fla. 32202.

No. MC 140645 (Sub-No. 4TA) filed December 14, 1976. Applicant: UNITED TRUCKING, INC., 100 Stoffel Drive, Tallapoosa, Ga. 30176. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Road, NE., Atlanta, Ga. 30342. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Metal containers and metal container ends*, and (2) *Machinery, materials and supplies used in the manufacture and distribution of metal containers, between points in Montgomery County, Pa., on the one hand, and, on the other, points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin and the District of Columbia, under a continuing contract with Southern Can Company, for 180 days. Supporting shipper: Southern Can Company, 100 Stoffel Drive, Tallapoosa, Ga. 30176. Send protests to: Sara K. Davis, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, 1252 W. Peachtree St., NW., Room 546, Atlanta, Ga. 30309.*

No. MC 142239 (Sub-No. 4TA) filed December 13, 1976. Applicant: WASHINGTON TRANSPORTATION CO., 3305 Highway 192, Council Bluffs, Iowa 51501. Applicant's representative: Edward A. O'Donnell, 1004 29th St., Sioux City, Iowa 51104. Authority sought to operate as a *contract 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. 298 and 766 (except commodities in bulk and hides), from the commercial zones of Omaha, Nebr., Madison, Nebr., and Sioux City, Iowa, to points in Illinois and Indiana within the Chicago, Ill., commercial zone and points in the commercial zones of Detroit, Mich.; Boston, Mass.; and Toledo, Ohio; and points in New Jersey, New York and Pennsylvania. Restriction: Restricted to a transportation service to be performed under a continuing contract with Cudahy Foods Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: T. L. Byerly, Purchasing Manager, Cudahy Co., 5015 S. 33rd St., Omaha, Nebr. 68107. Send protests to:

Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 N. 14th St., Omaha, Nebr. 68102.

No. MC 142494 (Sub-No. 1TA) filed December 13, 1976. Applicant: UNITED CARTAGE, INC., 737 S. Stacey, Seattle, Wash. 98134. Applicant's representative: George Kargianis, 2120 Pacific Bldg., Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, loaded to flatbeds, dry trailers and refrigerated trailers, points located within the City of Seattle and points located within the City of Tacoma, with a prior or subsequent movement by water to the state of Alaska, limited to the account of TOTE, for 180 days. Supporting shipper: Totem Ocean Trailer Express, Inc., P.O. Box 24908, Seattle, Wash. 98124. Send protests to: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 858 Federal Bldg., 915 Second Ave., Seattle, Wash. 98174.

No. MC 142727TA filed December 13, 1976. Applicant: REYNALDO TAMAYO, 4421 N.W. 200th St., Miami, Fla. 33169. Applicant's representative: John P. Bond, 2766 Douglas Road, Miami, Fla. 33133. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except the transportation of said commodities in bulk, Classes A and B explosives, household goods, livestock, commodities requiring special handling and special equipment and cement, and commodities requiring refrigeration), between points in Dade County, lying east of State Road 27, south of State Road 826, north of State Road 94, and west of the Atlantic Ocean, all shipments having a prior or subsequent movement by water for 180 days. Supporting shippers: Caribex International Co., 4139 N.W. 132nd St., Ppa Locka, Fla. 33054. Twin Express, Inc., Cargo Bldg., 2141, MIAD; Winair Freight, Inc., Bldg. 2141, Miami International Airport, Miami, Fla. A. Saurez Co., Inc., 3719 N.W. 50th St., Miami, Fla. Send protests to: Joseph B. Teichert, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Monterey Bldg., Suite 101, 8410 N.W. 53rd Terrace, Miami, Fla. 33166.

By the Commission.

ROBERT L. OSWALD,  
Secretary.

[FR Doc. 76-37913 Filed 12-23-76; 8:45 am]

[Notice No. 170]

#### MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

DECEMBER 16, 1976.

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 "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 808 (Sub-No. 51TA), filed December 10, 1976. Applicant: ANCHOR MOTOR FREIGHT, INC., 21111 Chagrin Blvd., P.O. Box 22005, Cleveland, Ohio 44122. Applicant's representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, Ohio 44114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New automobiles, new trucks, new chassis, automobile parts and automobile show equipment*, in initial movements, in truckaway service, (1) from the plantsite of General Motors Corporation, located at Baltimore, Md., to points in Iowa, Minnesota and Missouri; and (2) from the plantsites of General Motors Corporation, at Framingham, Mass.; Linden, N.J.; Tarrytown, N.Y.; and at or near Wilmington, Del., to points in Iowa, Minnesota, Missouri and Wisconsin, under a continuing contract with General Motors Corporation, for 180 days. Supporting shipper: General Motors Corporation, 30007 Van Dyke Ave., Warren, Mich. 48090. Send protests to: James Johnson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Bldg., 1240 E. Ninth St., Cleveland, Ohio 44199.

No. MC 26396 (Sub-No. 137TA) filed December 10, 1976. Applicant: POPELKA TRUCKING CO., doing business as THE WAGGONERS, P.O. Box 990, Livingston, Mont. 59047. Applicant's representative: David Waggoner (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and wood products*, from Laclede, Idaho, to points in California, Utah, Montana,

Wyoming, Colorado, Texas, Oklahoma, Kansas, Nebraska, North Dakota, South Dakota, Minnesota, Iowa, Missouri, Wisconsin, Illinois and the International Boundary line between the United States and Canada in the state of Idaho, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Support shipper: William G. Wysong, Vice-President, Marketing, Brand-S Corporation, P.O. Box 1087, Corvallis, Oreg. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, 2602 First Ave., North, Billings, Mont. 59101.

No. MC 52704 (Sub-No. 135TA) filed December 9, 1976. Applicant: GLENN MCCLENDON TRUCKING COMPANY, INC., P.O. Drawer H, LaPayette, Ala. 36862. Applicant's representative: Archie B. Culbreth, Suite 246, 1252 W. Peachtree St., N.W., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper, paper products and woodpulp* (except in bulk), from the plantsite of Bowater Carolina Corporation, at or near Catawba, S.C., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, North Carolina, Tennessee, Texas, Virginia, West Virginia and the District of Columbia; and (2) *Materials, equipment and supplies* used in the manufacture of paper, paper products and woodpulp (except in bulk), from points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, North Carolina, Tennessee, Texas, Virginia, West Virginia and the District of Columbia, to the plantsite of Bowater Carolina Corporation, at or near Catawba, S.C., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Bowater Carolina Corporation, P.O. Box 7, Catawba, S.C. 29704. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Bldg., Birmingham, Ala. 35203.

No. MC 59457 (Sub-No. 33TA) filed December 8, 1976. Applicant: SORENSON TRANSPORTATION CO. INC., Old Amity Road, Bethany, Conn. 06526. Applicant's representative: Thomas W. Muttett, 342 Main St., West Hartford, Conn. 06117. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printing paper*, other than newsprint, from the plantsite of St. Regis Paper Company, in Bucksport, Maine, to Washington, D.C.; Buffalo, N.Y.; Lancaster, Pa., and Old Say Brook, Conn., for 180 days. Supporting shipper: Time, Inc., Rockefeller Center, New York, N.Y. 10020. Send protests to: J. D. Perry, Jr., District Supervisor, Interstate Commerce Commission, 324 U.S. Post Office Bldg., 135 High St., Hartford, Conn. 06101.

No. MC 64932 (Sub-No. 568TA) filed December 8, 1976. Applicant: ROGERS CARTAGE CO., 10735 S. Cicero Ave., Oak Lawn, Ill. 60453. Applicant's representative: William F. Farrell (same address

as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcohol*, in bulk, in tank vehicles, from the plant and storage facilities of Archer Daniels Midland Company, in Decatur, Ill., to points in the United States (except Alaska and Hawaii), restricted to traffic originating at and destined to points named, for 180 days. Supporting shipper: Archer Daniels Midland Company, Jerry C. Slaughter, General Traffic Manager, P.O. Box 1470, Decatur, Ill. 62525. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1386, Chicago, Ill. 60604.

No. MC 107515 (Sub-No. 1042TA) filed December 10, 1976. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, 3901 Jonesboro Road, S.E., Forest Park, Ga. 30050. Applicant's representative: Alan E. Serby, Suite 375, 3379 Peachtree Road, N.E., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meat, meat products, meat by-products and articles distributed by meat packing plants and foodstuffs* (except hides and commodities in bulk), from the plantsite and/or warehouse facilities utilized by Geo. A. Hormel & Co., at or near Ottumwa, Iowa, to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina and Tennessee, restricted to traffic originating at named origin and destined to named states; and (2) *Meat, meat products, meat by-products and articles distributed by meat packing plants, foodstuffs, packing plant materials, equipment and supplies* (except hides and commodities in bulk), from points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina and Tennessee, to the plantsite and/or warehouse facilities utilized by Geo. A. Hormel & Co., at or near Ottumwa, Iowa, restricted to traffic originating at named states and destined to named destination, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Geo. A. Hormel & Co., Box 800, Austin, Minn. Send protests to: Sara K. Davis, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, 1252 W. Peachtree St., N.W., Room 546, Atlanta, Ga. 30309.

No. MC 108207 (Sub-No. 447TA) (Correction) filed November 16, 1976, published in the FEDERAL REGISTER issue of November 30, 1976, and republished as corrected this issue. Applicant: FROZEN FOOD EXPRESS, INC., 318 Cadiz St., P.O. Box 5888, Dallas, Tex. 75222. Applicant's representative: J. B. Ham (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, dairy products, and foodstuffs*, from St. Louis, Mo., and its commercial zone to points in Kansas,

for 180 days. Supporting shipper: There are approximately 6 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: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce St., Room 13C12, Dallas, Tex. 75242. The purpose of this republication is to state that are more than one support shippers in this proceeding.

No. MC 112520 (Sub-No. 326TA) filed December 9, 1976. Applicant: MCKENZIE TANK LINES, INC., P.O. Box 1200, 122 Applyard Drive, Tallahassee, Fla. 32302. Applicant's representative: Thomas F. Panebianco (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from Opelika, Ala., to points in South Carolina, for 180 days. Supporting shipper: Miliken and Company, P.O. Box 1926, Spartanburg, S.C. 29304. Send protests to: G. H. Fauss, Jr., District Supervisor, Bureau of Operations, Interstate Commerce, Box 35008, 400 W. Bay St., Jacksonville, Fla. 32202.

No. MC 115092 (Sub-No. 53TA) filed December 7, 1976. Applicant: TOMAHAWK TRUCKING, INC., P.O. Box 0, Vernal, Utah 84078. Applicant's representative: E. L. Kier (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber mill products*, from Garfield County, Utah, to points in Arizona, New Mexico, Texas, Oklahoma and Arkansas, for 180 days. Supporting shippers: Kaibab Industries, Inc., P.O. Box 20506, Phoenix, Ariz. 85036. Teton West Lumber Sales, Inc., P.O. Box 3656, Casper, Wyo. 82602. Send protests to: Lyle D. Helfer, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5301 Federal Bldg., 125 S. State St., Salt Lake City, Utah 84138.

No. MC 116073 (Sub-No. 345TA) filed December 9, 1976. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Ave., P.O. Box 919, Moorhead, Minn. 56560. Applicant's representative: John C. Barrett (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Modular buildings*, from Tempe, Ariz., to points in Arizona, California, Colorado, Nevada, New Mexico, Texas and Utah, for 180 days. Supporting shipper: Enviro Structures, Inc., 35 N. Perry Lane, Tempe, Ariz. 85281. Send protests to: Ronald R. Mau, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 116073 (Sub-No. 344TA) filed December 9, 1976. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Ave., P.O. Box 919, Moorhead, Minn. 56560. Applicant's representative: John C. Barrett (same address as ap-

licant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movement, and buildings, from Tucson, Ariz., to points in Texas, New Mexico, Utah, Nevada and California, for 180 days. Supporting shipper: Porta Structures, Inc., 1602 W. Prince Road, Tucson, Ariz. 85705. Send protests to: Ronald R. Mau, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 116073 (Sub-No. 346TA) filed December 9, 1976. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Ave., P.O. Box 919, Moorhead, Minn. 56560. Applicant's representative: John C. Barrett (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Modular buildings*, from Phoenix, Ariz., to points in California, Nevada, New Mexico, Utah and Colorado, for 180 days. Supporting shipper: Valley Aluminum Company, 2229 W. Indian School Road, Phoenix, Ariz. 85015. Send protests to: Ronald R. Mau, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 116073 (Sub-No. 347TA) filed December 9, 1976. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Ave., P.O. Box 919, Moorhead, Minn. 56560. Applicant's representative: John C. Barrett (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movement (except travel trailers), and buildings, from Greeley, Colo., to points in Colorado, Idaho, Kansas, Montana, Nebraska, New Mexico, North Dakota, South Dakota, Utah and Wyoming, for 180 days. Supporting shipper: Central Homes Incorporated, 237 Twenty-Second St., Greeley, Colo. 80631. Send protests to: Ronald R. Mau, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 116923 (Sub-No. 7TA) filed December 10, 1976. Applicant: KRAMER TRUCKING CO., INC., 275 Trumbull St., Elizabeth, N.J. 07206. Applicant's representative: Robert B. Pepper, 168 Woodbridge Ave., Highland Park, N.J. 08904. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid helium*, shipper's specially constructed trailers, and empty trailers on return, from Otis, Kans., to Bound Brook, N.J., ports located in Baltimore, Md.; Houston, Tex.; Jacksonville, Fla.; Los Angeles, Calif.; Mobile, Ala.; New Orleans, La.; New York, Commercial Zone as defined by the Commission, Philadelphia, Pa., and San Francisco, Calif., for 180 days. Supporting shipper: Kansas Refined Helium Company, Division of Angle Industries, Inc., 1720 Kansas State Bank

Bldg., Wichita, Kans. 67202. Send protests to: Julia M. Papp, Transportation Assistant, Interstate Commerce Commission, 9 Clinton St., Newark, N.J. 07102.

No. MC 119789 (Sub-No. 318TA), filed December 6, 1976. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Tex. 75222. Applicant's representative: James K. Newbold, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Melamine plastic materials and urea moulding compounds* (except in bulk), in mechanically refrigerated equipment, from the plantsite and warehouse facilities of Plastic Manufacturing Company, at Dallas, Tex., to Gardena, Calif., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Plastic Manufacturing Company, 2700 S. Westmoreland Ave., Dallas, Tex. 75223. Send protests to: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce St., Room 13C12, Dallas, Tex. 75242.

No. MC 124813 (Sub-No. 163TA), filed December 10, 1976. Applicant: UMTHUN TRUCKING CO., 910 S. Jackson St., P.O. Box 166, Eagle Grove, Iowa 50533. Applicant's representative: James M. Hodge, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed ingredients*, in bags, from Green Bay, Wis., to points in Missouri, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Frederick Sales Co., 4439 Bellevue, Kansas City, Mo. 64111. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Bldg., Des Moines, Iowa 50309.

No. MC 127539 (Sub-No. 54TA), filed December 10, 1976. Applicant: PARKER REFRIGERATED SERVICE, INC., 1108 54th Ave., East, Tacoma, Wash. 98421. Applicant's representative: Michael D. Duppenenthaler, 607 Third Ave., Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food and foodstuffs*, in vehicles equipped with mechanical refrigeration, from the plantsite and facilities of Rogers Walla Walla, Inc., located at Walla Walla, Wash., and Milton-Freewater, Oreg., to points in California, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Rogers Walla Walla, Inc., P.O. Box 998, Walla Walla, Wash. 99362. Send protests to: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 858 Federal Bldg., 915 Second Ave., Seattle, Wash. 98174.

No. MC 127840 (Sub-No. 51TA), filed December 8, 1976. Applicant: MONTGOMERY TANK LINES, INC., 17550

Fritz Drive, P.O. Box 382, Lansing, Ill. 60438. Applicant's representative: William H. Towle, 180 N. LaSalle St., Chicago, Ill. 60601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Edible lards*, in bulk, from Tupelo, Miss., to Pawtucket, R.I., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Mid-South Packers, Inc., Max Green, Traffic Manager, P.O. Drawer 829, Tupelo, Miss. 38801. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1386, Chicago, Ill. 60604.

No. MC 128030 (Sub-No. 111TA), filed December 8, 1976. Applicant: THE STOUT TRUCKING CO., INC., P.O. Box 177, R. R. No. 1, Urbana, Ill. 61801. Applicant's representative: James R. Madler, 120 W. Madison, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Concrete batching and cement plants, parts and components thereof*, in special equipment or in tow-away service; (A) Specialized equipment from Champaign, Ill., to points in Alabama, California, Florida, Georgia, Idaho, Indiana, Kentucky, Mississippi, Missouri, Maryland, Louisiana, North Carolina, Ohio, Oregon, South Carolina, Tennessee, Texas, Utah, West Virginia, Wyoming and the District of Columbia; and (B) Towaway, from Champaign, Ill., to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: C. S. Johnson, J. Peckham, Traffic Manager, Kenwood Road, P.O. Box 3067, Champaign, Ill. 61820. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1386, Chicago, Ill. 60604.

No. MC 135691 (Sub-No. 16TA), filed December 6, 1976. Applicant: DALLAS CARRIERS CORP., 3610 Garden Brook Drive, 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: *Automotive parts and accessories, automotive jacks and cranes* (not self-propelled), *hand, electric and pneumatic tools, and advertising materials, premiums, racks, display cases and signs; and materials, supplies and equipment* used in the manufacture, sale and distribution of the aforementioned commodities, between Batavia, Ill.; Jackson, Mich.; Aberdeen and Southaven, Miss.; Seward, Nebr.; Arden, N.C.; Newark, Ohio; Harrisonburg, Va.; Racine, Wis.; and Greenville, Tex. Restriction: Restricted to traffic originating and terminating at the plantsite and warehouse facilities utilized by Walker Manufacturing Company, further restricted against the transportation of commodities in bulk, in tank vehicles, restricted against commodities the transportation

of which by reason of size or weight require the use of special equipment, and restricted to a transportation service to be performed under a continuing contract with Walker Manufacturing Company of Racine, Wis., a Division of Tenneco, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Walker Manufacturing Company, Division of Tenneco, Inc., 1201 Michigan Ave., Racine, Wis. 53402. Send protests to: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce St., Room 13C12, Dallas, Tex. 75242.

No. MC 135797 (Sub-No. 62TA), filed December 9, 1976. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 200, U.S. Highway 71, Lowell, Ark. 72745. Applicant's representative: Don Garrison, 204 Highway 71 North, Suite 3, Springdale, Ark. 72764. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Diet and nutritional foods*; (2) *Drugs, vitamins and toilet preparations*; and (3) *Food grinders, water purifiers, can openers, container lids, cookbooks, seed sprouting kits, safety matches, candles and seeds*, from the facilities of Arrowhead Mills Inc., at or near Hereford, Tex., to points in Arizona, Arkansas, California, Colorado, Connecticut, Florida, Georgia, Illinois, Maryland, Massachusetts, Michigan, Missouri, New York, North Carolina, Oklahoma, Oregon, Pennsylvania, Tennessee, Vermont, Washington, and Wisconsin. Restrictions: (1), (2) and (3) are applicable when moving in mixed shipments on traffic originating at the plantsite or warehouse facilities of Arrowhead Mills, Inc., Hereford, Tex., and further restricted against the transportation of commodities in bulk, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Arrowhead Mills, Inc., P.O. Box 866, Hereford, Tex. 79045. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Bldg., 700 W. Capitol, Little Rock, Ark. 72201.

No. MC 136464 (Sub-No. 27TA), filed December 9, 1976. Applicant: CAROLINA EXPRESS, INC., P.O. Box 3961, 650 Eastwood Drive, Gastonia, N.C. 28052. Applicant's representative: Eric Melerhoefer, Suite 145, 4 Professional Drive, Gaithersburg, Md. 20760. Authority sought as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Textiles, textile products, lamps, lamp shades and furniture*; (a) from Memphis, Tenn., and Cramerton, N.C., to points in California, and (b) from Cramerton, N.C., to Memphis, Tenn., under a continuing contract with Burlington Industries, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Burlington Industries, Inc., P.O. Box 691, Burlington, N.C. 27215. Send protests to: Terrell Price, District Supervisor, 800

Briar Creek Road, Room CC516, Mart Office Bldg., Charlotte, N.C. 28205.

No. MC 136553 (Sub-No. 43TA), filed December 10, 1976. Applicant: ART PAPE TRANSFER, INC., 1080 E. 12th St., Dubuque, Iowa 52001. Applicant's representative: James M. Hodge, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pallets, pallet parts, and materials* used in the manufacture of pallets; (1) from Wautoma, Wis., to points in Indiana, Illinois, Iowa, Minnesota and Michigan; and (2) from Dubuque, Iowa, to points in Indiana and Michigan, for 180 days. Supporting shipper: Future Pallet, 3rd and Menominee, East Dubuque, Ill. 61025. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Bldg., Des Moines, Iowa 50309.

No. MC 138875 (Sub-No. 40TA), filed December 8, 1976. Applicant: SHOE-MAKER TRUCKING COMPANY, 11900 Franklin Road, Boise, Idaho 83705. Applicant's representative: F. L. Sigloh (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber mill products and wood products*, from points in Ada, Canyon, Gem, Boise and Owyhee Counties, Idaho, to points in Colorado, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Boise Cascade Corporation, P.O. Box 7747, Boise, Idaho 83707. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, 550 W. Fort St., P.O. Box 07, Boise, Idaho 83724.

No. MC 139381 (Sub-No. 6TA), filed December 10, 1976. Applicant: SPIRIT OF '71 OVERLAND EXPRESS, INC., 6726 Mohican Trail, Fort Wayne, Ind. 46804. Applicant's representative: Anthony E. Young, 327 S. LaSalle St., Chicago, Ill. 60604. Authority sought to operate as a *contract carrier*, by motor vehicle over irregular routes, transporting: *Such commodities* as are dealt in, or used by, manufacturers and distributors of crusher, breaker and grinding parts, between the facilities of the Frog, Switch and Manufacturing Company, at Carlisle, Pa., on the one hand, and, on the other, points in Arizona, California, Colorado, Idaho, Nevada, New Mexico, Texas, Utah and Wyoming. Restriction: The above authority is restricted to service under a continuing contract with Frog, Switch and Manufacturing Company of Carlisle, Pa., for 180 days. Supporting shipper: The Frog, Switch and Manufacturing Company, P.O. Box 70, Carlisle, Pa. 17013. Send protests to: J. H. Gray, District Supervisor, Interstate Commerce Commission, Suite 113, 343 W. Wayne St., Fort Wayne, Ind. 46802.

No. MC 139973 (Sub-No. 10TA), filed December 9, 1976. Applicant: J. H. WARE TRUCKING, INC., 909 Brown St.,

P.O. Box 398, Fulton, Mo. 65251. Applicant's representative: Larry D. Knox, 900 Hubbell Bldg., Des Moines, Iowa 50309. 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-houses*, 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 commodities in bulk), from the facilities and Farmland Foods, Inc., at or near Crete, Nebr., and Denison, Carroll, and Iowa Falls, Iowa, to points in Washington, Oregon, California, Nevada, Arizona, New Mexico, Utah, Colorado, Idaho, Wyoming and Montana, for 180 days. Supporting shipper: Farmland Foods, Inc., 435 Charles St., Denison, Iowa 51442. Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, 600 Federal Bldg., 911 Walnut St., Kansas City, Mo. 64106.

No. MC 141121 (Sub-No. 1TA) filed December 10, 1976. Applicant: MENSCH TRUCKING, INC., 3540 S. Lawrence St., Philadelphia, Pa. 19148. Applicant's representative: Morton E. Kiel, 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: *Frozen foods*, from the facilities of American Home Foods Division of American Home Products Corporation, at or near Milton, Pa., to points in New York, for 180 days. Supporting shipper: American Home Foods Division of American Home Products Corporation, 685 3rd Ave., New York, N.Y. 10017. Send protests to: Monica A. Blodgett, Transportation Assistant, Interstate Commerce Commission, 600 Arch St., Room 3238, Philadelphia, Pa. 19106.

No. MC 141646 (Sub-No. 2TA) filed December 9, 1976. Applicant: E. L. POWELL & SONS TRUCKING CO., INC., 3777 S. Jackson, P.O. Box 356, Tulsa, Okla. 74101. Applicant's representative: Rufus H. Lawson, 106 Bixler Bldg., 2400 NW., 23rd St., Oklahoma City, Okla. 73107. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fuel oil*, in bulk, in tank vehicles, from Tulsa, Okla., to Lawrence and Tecumseh, Kans., under a continuing contract with McPherson Bros. Asphalt Sales, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: McPherson Bros. Asphalt Sales, P.O. Box 9205, Tulsa, Okla. 74107. Send protests to: Joe Green, District Supervisor, Room 240 Old Post Office Bldg., 215 NW., Third St., Oklahoma City, Okla. 73102.

No. MC 142668 (Sub-No. 1TA) filed December 10, 1976. Applicant: AERO DISTRIBUTING CO., INC., 7259 Delta Circle, Mableton, Ga. 30336. Applicant's representative: Kim G. Meyer, 1600 First Federal Bldg., Atlanta, Ga. 30303. Authority sought to operate as a *con-*

*tract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is marketed by Home Products Distributors for the account of Amway Corporation, from the plantsite of Amway Corporation, in Kent County, Mich., to points in Iowa, Nebraska, North Dakota and South Dakota, under a continuing contract with Amway Corporation, for 180 days. Supporting shipper: Amway Corporation, 7575 E. Fulton Road, Ada, Mich. 49301. Send protests to: Sara K. Davis, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, 1252 W. Peachtree St., NW., Room 546, Atlanta, Ga. 30309.

No. MC 142669 (Sub-No. 2TA) filed December 9, 1976. Applicant: GENE WALTERS AND CLARK WURTELE, doing business as M & M TRUCKING, Buchanan, N. Dak. 58420. Applicant's representative: Charles E. Johnson, P.O. Box 1982, Bismarck, N. Dak. 58501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and dry fertilizer materials*, from Minneapolis, St. Paul, Savage and Pine Bend, Minn., to points in Montana and points in Park, Big Horn, Sheridan, Hot Springs, Washakie, Johnson, Campbell, Crook and Weston Counties, Wyo., transportation of traffic to points in Montana is restricted to shipments in bulk, in hopper or tank vehicles, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Agro Supply, P.O. Box 20256, Billings, Mont. 59104. Send protests to: Ronald R. Mau, District Supervisor, Interstate Commerce Commission, Bureau of Operations, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 142669 (Sub-No. 1TA), filed December 9, 1976. Applicant: GENE WALTERS AND CLARK WURTELE, doing business as M & M TRUCKING, Buchanan, N. Dak. 58420. Applicant's representative: Charles E. Johnson, P.O. Box 1982, Bismarck, N. Dak. 58501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed grade urea*, in hopper bottom trailers, from Duluth, Minneapolis and St. Paul, Minn., to Billings, Great Falls, Bozeman, Belgrade, Culbertson and Glendive, Mont., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Agro Supply, Box 20256, Billings, Mont. 59104. Send protests to: Ronald R. Mau, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 142720TA filed December 8, 1976. Applicant: HANNEMAN PIGGY BACK TRANSFER COMPANY, 3110 Confederate Blvd., Little Rock, Ark. 72206. Applicant's representative: James M. Duckett, 1021 Pyramid Life Bldg., Little Rock, Ark. 72201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transport-

ing: *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 Little Rock, Ark., on the one hand, and, on the other, points in Arkansas, restricted to traffic having a prior or subsequent movement by rail in trailer-on-flatcar service, for 180 days. Supporting shippers: The Maytag Company, P.O. Box 799, Stuttgart, Ark. 72160. The Maytag Company, 12014 Blackwalnut Circle, Little Rock, Ark. 72209. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Bldg., 700 W. Capitol, Little Rock, Ark. 72201.

No. MC 142723TA, filed December 7, 1976. Applicant: BRISTOL CONSOLIDATORS, INC., 4133 Clarenceaux Drive, Gibsonia, Pa. 15044. Applicant's representative: William A. Gray, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as are dealt in by retail variety, department and drug stores, *and equipment, materials and supplies* used in the conduct of such business (except commodities in bulk), between the facilities of Bristol Consolidators, Inc., in Pymatuning Township,

Pa., on the one hand, and, on the other, points in Maryland, New York, Ohio, West Virginia, New Jersey, Pennsylvania, Indiana, Virginia, and the District of Columbia, under a continuing contract with G. C. Murphy Company, for 180 days. Supporting shipper: G. C. Murphy Company, 531 Fifth Ave., McKeesport, Pa. 15132. Send protests to: John J. England, District Supervisor, Interstate Commerce Commission, 2111 Federal Bldg., 1000 Liberth Ave., Pittsburgh, Pa. 15222.

No. MC 142724TA, filed December 10, 1976. Applicant: JOHN E. MAHR, doing business as MAHR BROTHERS, R.R. No. 3, Lime Springs, Iowa 52155. Applicant's representative: C. J. Anderson, P.O. Box 280, Cresco, Iowa 52136. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feed*, from the facilities of Cargill, Inc., at or near Cresco, Iowa, to points in Houston, Mower, Freeborn and Fillmore counties, Minn., for 180 days. Supporting shipper: Cargill, Inc., Cargill Bldg., Minneapolis, Minn. 55402. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Bldg., Des Moines, Iowa 50309.

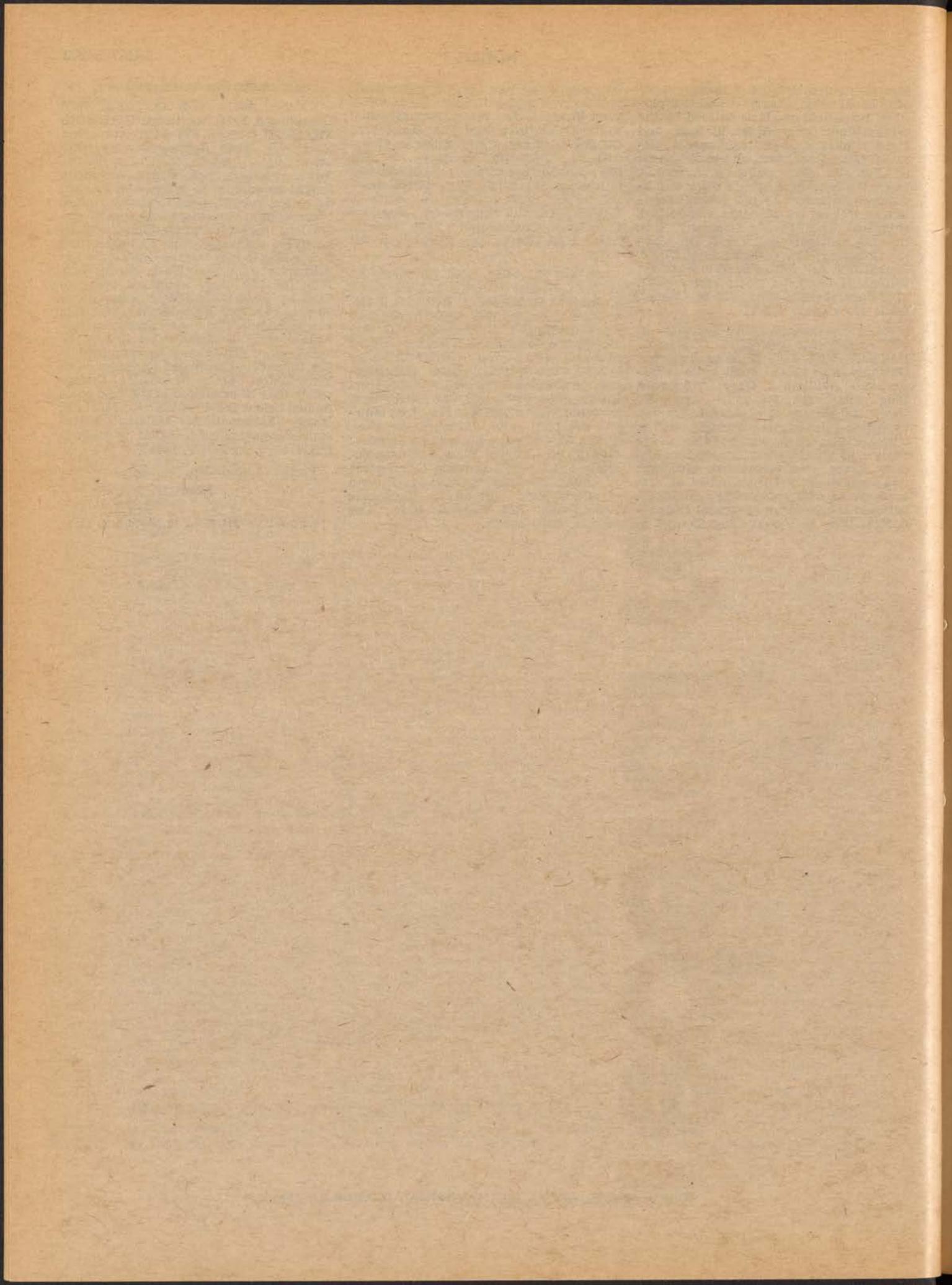
## PASSENGER APPLICATION

No. MC 46879 (Sub-No. 10TA) filed December 9, 1976. Applicant: WALTERS TRANSIT CORP., 525 11th Ave., New York, N.Y. 10018. Applicant's representative: W. L. McCracken, Greyhound Tower, Phoenix, Ariz. 85077. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers*, in special operations, beginning and ending in Manhattan and Queens, N.Y., and extending to the New Jersey Sports and Exposition Authority facilities, East Rutherford, N.J., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: There are approximately 9 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: Maria B. Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

By the Commission.

ROBERT L. OSWALD,  
Secretary.

[FR Doc.76-37914 Filed 12-23-76;8:45 am]



# **federal register**

MONDAY, DECEMBER 27, 1976

PART II



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## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Consumer Affairs  
and Regulatory Functions,  
Office of Assistant Secretary

■

### MOBILE HOMES

Construction and Safety Standards

Title 24—Housing and Urban Development  
 CHAPTER II—OFFICE OF ASSISTANT  
 SECRETARY FOR HOUSING—FEDERAL  
 HOUSING COMMISSIONER (FEDERAL  
 HOUSING ADMINISTRATION), DEPART-  
 MENT OF HOUSING AND URBAN  
 DEVELOPMENT

[Docket No. R-76-340]

PART 280—MOBILE HOME CONSTRUCTION  
 AND SAFETY STANDARDS

Electric Water Heaters

The Department of Housing and Urban Development is amending section 280.707 (d) (1) of the Federal mobile home construction and safety standards to delay until February 15, 1977, energy efficiency requirements with respect to electric water heaters that would have gone into effect on January 1, 1977. The Department is further amending the section to permit mobile home manufacturers to install electric water heaters that do not meet the energy efficiency requirements after February 15, 1977, if a label is placed on the water heater explaining that the water heater does not meet the requirements. This will be allowed until April 1, 1977. After April 1, 1977, all electric water heaters must meet the energy efficiency requirements.

The Department was informed, through correspondence and meetings held with representatives of industry, that manufacturers of electric water heaters were having extreme difficulty in achieving compliance with the January 1, 1977, effective date. The water heater industry must both develop water heaters that meet the performance efficiency requirements of the standard, and have those water heaters listed or certified by a nationally recognized testing agency.

The water heater manufacturers pointed out that it had taken almost a year to develop a product that could comply with the requirements of the standard. They also pointed out that the certification process required by section 280.707(a) of the standard ordinarily takes 60-90 days to complete.

Those electric water heater manufacturers and the industry associations (Gas Appliance Manufacturers, Manufactured Housing Institute) which provided input to the Department indicated that the status of compliance to the effective date varied from not yet developing a complying product to completion of the certification process. However, the consensus position of those electric water heater manufacturers providing input was that there would be a serious shortage of certified complying electric water heaters on January 1, 1977.

It was also pointed out by the water heater manufacturers that compliance with the Federal standard would require changes in the construction and configuration of the water heater tank. This change would thereby necessitate space planning and other revisions by the mobile home manufacturers.

Mobile home manufacturers accordingly would require some lead time to incorporate any changes necessary to meet

the energy efficiency requirements for electric water heaters into their designs.

The Department has been in contact with the Federal Energy Administration (FEA) in attempts to assure that consistent Federal standards for energy consuming appliances are developed. In reviewing the Energy Policy and Conservation Act (P.L. 94-163) the Department finds that compliance with the energy targets to be established by the FEA are voluntary and not mandatory. Since that is the case, the water heater industry will not be faced with conflicting mandatory requirements.

The Department is delaying any requirement to meet the energy efficiency requirements until February 15, 1977. The Department is also giving mobile home manufacturers the option after February 15, 1977, of installing water heaters meeting the energy efficiency requirements or providing a water heater that bears a label that states that the water heater does not meet the energy efficiency requirements. The Department is providing for this option as a means of allowing mobile home manufacturers to continue production in the face of a probable shortage of electric water heaters which comply to the energy efficiency requirements of the standards. However, the Department believes that neither the water heater industry nor the mobile home industry has acted as quickly as they should have to meet the requirements which were first published as a final rule on September 2, 1975, fifteen months before they were to take effect. Given this background, the Department is allowing the use of a label, by mobile home manufacturers, to tell consumers that their water heaters do not meet the Federal energy efficiency requirements and to provide an incentive to the mobile home industry to encourage the water heater industry to produce an adequate supply of electric water heaters which comply to the energy efficiency requirements of the standard as soon as possible. It appears that some of the water heater industry may be able to complete their certification and make available to manufacturers a limited supply of acceptable water heaters by February 15, 1977. Therefore, the Department is delaying the effective date for compliance to the energy efficiency requirements for electric water heaters from January 1, 1977, to February 15, 1977.

The Secretary finds, as required by section 604 (c) and (e) of the Act, 42 U.S.C. 5403 (c) and (e), that it is in the public interest that this amendment take effect December 27, 1976.

The reason that immediate implementation of this amendment is in the public interest is that the Department has determined there would be a serious shortage of automatic electric storage water heaters to meet the performance efficiency requirements of the standard on January 1, 1977. This delay in the implementation date of the performance efficiency requirements will assure an adequate supply of electric water heat-

ers on January 1, 1977, for mobile home manufacturers, such that the production of mobile homes requiring electric water heaters would not be impeded.

For the reasons stated above, the Department has determined that this amendment must be made effective as of the date it is published. Therefore, notice and public procedure are impracticable and contrary to the public interest in this case, and this amendment must take effect before January 1, 1977, rather than 30 days after its publication, as provided under 5 U.S.C. 553(d).

The Department has determined that an Environmental Impact Statement is not required with respect to this amendment. A copy of the Finding of Inapplicability is available for inspection and copying according to Department rules and regulations during regular business hours at the Mobile Home Standards Division, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C.

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

This amendment is being signed by two Assistant Secretaries because the standards were originally codified in the FEDERAL REGISTER Chapter assigned to the Assistant Secretary for Housing Production and Mortgage Credit, but the substantive authority for the program has been transferred to the Assistant Secretary for Consumer Affairs and Regulatory Functions.

Accordingly, § 280.707(d) (1) of 24 CFR is amended to read as follows.

§ 280.707 Heat Producing Appliances.

(d) Performance Efficiency:

(1) Except as provided herein, all automatic electric storage water heaters installed in mobile homes that enter the first stage of production on or after February 15, 1977, shall have a standby loss not exceeding 43 watts/meter<sup>2</sup> (4 watts/ft<sup>2</sup>) of tank surface area. The method of test for standby loss shall be as described in section 4.3.1 of ANSI C 72.1-72.

However, a mobile home that enters the first stage of production on or after February 15, 1977, and before April 1, 1977, may contain an automatic electric storage water heater which does not meet the above performance efficiency requirements if a label is affixed to the water heater as follows:

(i) The label shall be located on the front of the water heater so that it is readily visible after the water heater is installed in the mobile home.

(ii) The label shall be made of paper, .005 plastic laminate material, or other materials which may be easily affixed to the water heater by use of a gum or adhesive backing.

(iii) The label shall be a minimum of 3" x 1¾" in dimension.

(ix) The label shall read as follows:

This electric water heater does not meet energy efficiency criteria established by the Department of Housing and Urban Development for water heaters installed in mobile homes. This does not make the water heater unsafe or hazardous.

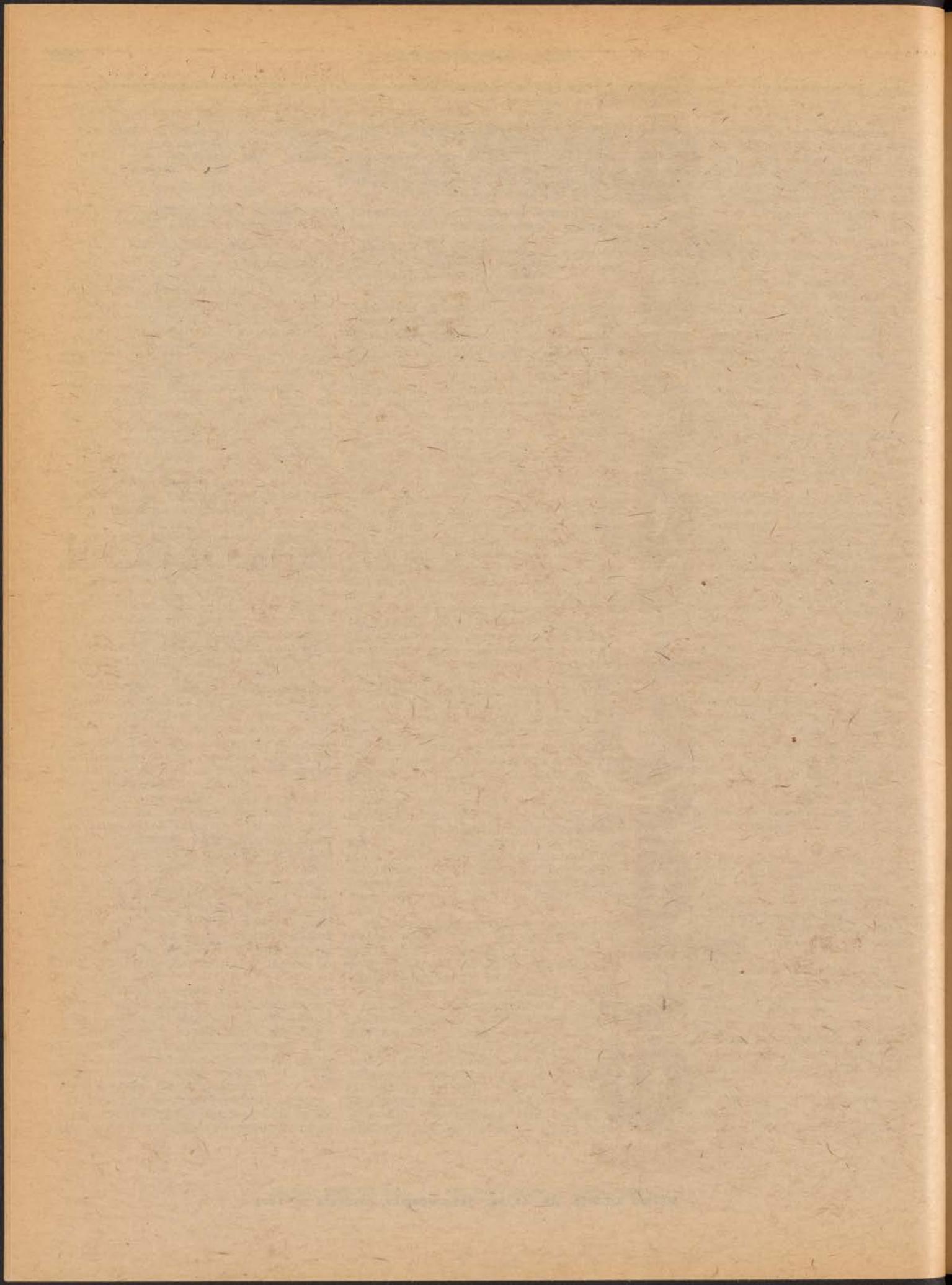
(Secs. 604 and 625 of Title VI of P.L. 93-383, 42 U.S.C. 5403 and 524 and sec. 7(d), Department of HUD Act, 42 U.S.C. 3535(d).)

Effective Date: This amendment is effective December 27, 1976.

CONSTANCE B. NEWMAN,  
*Assistant Secretary for Consumer Affairs and Regulatory Functions.*

JOHN T. HOWLEY,  
*Deputy Assistant Secretary for Housing.*

[FR Doc.76-37703 Filed 12-23-76;8:45 am]



# **federal register**

**MONDAY, DECEMBER 27, 1976**

**PART III**



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## **DEPARTMENT OF TRANSPORTATION**

**Federal Aviation  
Administration**



**OPERATIONS  
REVIEW PROGRAM**

**Miscellaneous Amendments**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

[ 14 CFR Parts 43, 61, 63, 65, 91, 105, 121,  
123, 127, 135, 137, 145, 147, and 149 ]

[ Docket No. 16383; Notice No. 76-28 ]

### OPERATIONS REVIEW PROGRAM

#### Notice No. 4. Miscellaneous Proposals

The Federal Aviation Administration is considering amending Parts 43, 61, 63, 65, 91, 105, 121, 123, 127, 135, 137, 145, 147, and 149 of the Federal Aviation Regulations to update and improve regulations concerning (1) aircraft maintenance; (2) airman certification; (3) air traffic and general operating rules; (4) the certification and operations of air carriers, commercial operators, and air travel clubs, and other operations conducted for compensation or hire; (5) repair stations; and (6) aviation maintenance technician schools. This is the fourth in a series of Notices of Proposed Rule Making issued, or to be issued, as part of the First Biennial Operations Review Program. Notice No. 75-38 (40 FR 54188; November 20, 1975) was the first and dealt with rotorcraft external-load operations. Notice No. 75-39 (40 FR 57342; December 8, 1975) was the second and dealt with clarifying and editorial changes.

Interested persons, including the general public, manufacturers and users of aircraft and their components, both foreign and domestic, and foreign authorities, are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments relating to environmental, energy, or economic impact that might result from adoption of the proposals contained herein are solicited and should be submitted. Comments should identify this regulatory docket and notice number (Docket No. \* \* \* ; Notice No. \* \* \*) and be submitted in duplicate to: Federal Aviation Administration, Office of Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue, SW., Washington, D.C. 20591. All communications received on or before March 28, 1977, will be considered by the Administrator before taking action on the proposed rules. However, interested persons are urged to submit their comments as early as possible to facilitate rapid resolution of any issues raised. Comments received after the above date will be considered, so far as possible without incurring expense or delay. The proposals contained in this notice may be changed in light of the comments received. All comments received will be available in the Rules Docket for examination by interested persons.

On February 28, 1975, the Federal Aviation Administration, by Notice 75-9 (40 FR 8685), invited all interested persons to submit proposals for consideration during the 1975-76 Operations Review. In that Notice, the FAA announced that it would make available for comment by interested persons a compilation

of the proposals that were to be given further consideration as possible agenda items for the Operations Review Conference (December 1-5, 1975).

On June 4, 1975, the FAA announced the availability of the Compilation of Proposals containing over 900 submissions by the FAA and interested persons, and invited all interested persons to submit comments on those proposals (see Notice 75-9A, 40 FR 24041).

In response to that invitation for comments, the FAA received over 5000 individual comments contained in 123 submissions. Based on those comments and on the Compilation of Proposals, the FAA prepared a number of working documents for the Operations Review Conference held in Arlington, Virginia, on December 1-5, 1975. The FAA distributed those documents to all persons who participated in the Operations Review Program and to all other interested persons who requested them (see Notice No. 75-9B, 40 FR 48699, October 17, 1975).

As indicated in Notice No. 75-9B, not all of the proposals contained in the Compilation were included in the agenda for the conference. A number of the proposals were considered to be noncontroversial and adequately justified and it was determined that no useful purpose would have been served by discussing them at the conference. They were identified as "Items for Notice" in the Conference workbook titled "Agenda Supplement." This notice deals with that group of proposals. Public comments received in response to Notice 75-9A and other written comments received after publication of the conference workbooks have been considered in preparing this notice.

Certain proposals contained in this Notice were not included in the Compilation of Proposals nor identified as "Items for Notice" in the Agenda or Agenda Supplement. They are directly related to the proposals in the workbook and are included for the sake of clarity, consistency, and comprehensiveness. However, in certain instances this is not the case because they are of a minor editorial nature (see the proposals for §§ 91.15, 105.43, 121.548, and 127.212).

The FAA recognizes that there may exist additional instances in which a proposed rule change prescribed in this notice as expressly applying only to certain parts of the FAR's should more appropriately apply to additional parts as well. For example, see Proposal No. 92 § 65.13, being used to propose the same change to § 61.17(a) wherein we propose to extend the validity period of temporary certificates from 90 to 120 days.

Several proposals listed "Items for Notice" are not included as proposed rule changes in this notice. Those proposals fall into three general categories and are explained and listed in the Appendices to this notice:

Appendix I—those proposals which are being deferred.

Appendix II—those proposals which were withdrawn by their proponent during or after the conference.

Appendix III—those proposals which were removed from consideration.

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 FAR sections to which they relate. Each proposal also contains a reference to the Operations Review Program Proposal Number (where applicable) and section to which that proposal was addressed. In some cases the section number cited in the reference will not be the same as the section being changed. Comments on this notice should not refer to the Operations Review Program numbers or section numbers without also referring to the corresponding proposal numbers as set forth in this notice.

Each proposal in this notice is followed by an explanation. Where applicable those explanations address comments received in response to Notice 75-9A.

These amendments are proposed under the authority of sections 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)).

In consideration of the foregoing, it is proposed to amend Parts 43, 61, 63, 65, 91, 105, 121, 123, 127, 135, 137, 145, 147, and 149 of the Federal Aviation Regulations as follows:

#### PART 43—MAINTENANCE, REBUILDING AND ALTERATION

1. By adding a new § 43.12 immediately following § 43.11, to read as follows:

§ 43.12 Maintenance Records: falsification, reproduction, or alteration.

(a) No person may make or cause to be made:

(1) Any fraudulent entry in any record or report that is required to be kept, made, or used to show compliance with any requirement under this part;

(2) Any fraudulent reproduction of any record or report under this part; or

(3) Any fraudulent alteration of any record or report under this part.

(b) The commission by any person of an act prohibited under paragraph (a) of this section is a basis for suspending or revoking the applicable airman, operator, or production certificate, Technical Standard Order Authorization, FAA-Parts Manufacturer Approval, or Product and Process Specification issued by the Administrator and held by that person.

#### EXPLANATION

At present there is no general prohibition against making fraudulent entries in, reproductions of, or alterations to records required by Part 43. Sections 61.59 and 65.20 contain such prohibitions but they are applicable only to those parts. The FAA believes that a similar section, applicable to Part 43, is necessary.

#### REF

Proposal Nos. 33, 38; §§ 43.9, 43.11.

2. By revising paragraph (b) (2) of Appendix E to Part 43 to read as follows:

**APPENDIX E—ALTIMETER SYSTEM TEST AND INSPECTION**

(b) \* \* \* \* \*

(2) Altimeters which are of the air data computer type with associated computing systems, or which incorporate air data correction internally, may be tested in a manner and to specifications developed by the manufacturer which are acceptable to the Administrator.

**EXPLANATION**

Certain types of altimeters are not suited to the test procedures and specifications of Appendix E. The proposed change would allow adoption of suitable test procedures and specifications when found acceptable by the Administrator.

**REF.**

Proposal No. 66; Part 43, Appendix E.

3. By revising the introductory explanatory text and paragraphs (a) and (b) of Appendix F to Part 43 to read as follows:

**APPENDIX F—ATC TRANSPONDER TESTS AND INSPECTIONS**

The ATC transponder tests required by § 91.117 of this chapter may be conducted using a bench check or portable test equipment, and must meet the requirements prescribed in paragraphs (a) through (d) of this Appendix. If portable test equipment with appropriate coupling to the aircraft antenna system is used, operate the test equipment at a nominal rate of 235 interrogations per second to avoid possible ATCRBS interference. An additional 3db tolerance is permitted to compensate for antenna coupling errors during receiver sensitivity measurements conducted in accordance with paragraph (c) (1) when using portable test equipment.

(a) For reply radio frequency, interrogate the transponder and verify that the reply frequency is  $1090 \pm 3$  MHz.

(b) Suppression: When the transponder is interrogated on Mode 3/A at an interrogation rate between 230 and 1000 interrogations per second for Class 1B and 2B transponders or between 230 and 1200 interrogations per second for Class 1A and 2A transponders:

(1) Verify that the transponder does not respond to more than 1 percent of the interrogations when the amplitude of  $P_2$  pulse is equal to the  $P_1$  pulse.

(2) Verify that the transponder replies to at least 90 percent of the interrogations when the amplitude of the  $P_2$  pulse is 9db less than the  $P_1$  pulse.

If the test is conducted with a radiated test signal, the interrogation rate shall be  $235 \pm 5$  interrogations per second unless a higher rate has been approved for the test equipment used at that location.

**EXPLANATION**

The proposed change to the introductory text would clarify the fact that all transponder tests required by § 91.177 could be conducted through use of a bench check or using portable test equipment.

The proposed change to paragraph (b) would permit more thorough testing of the essential side lobe suppression functions up to higher interrogation rates when the test equipment is connected directly to the transponder under test. In addition it would permit continued use of existing test equip-

ment where no operational problem would result. Although the present test is satisfactory for lower levels, at higher levels where an aircraft may be interrogated by several ground stations simultaneously, the present test would not show saturation effects. The proposed test would show that the unit may not reply at all or may reply to erroneous signals.

**REF.**

Proposal No. 69; Appendix F of Part 43.

**PART 61—CERTIFICATION: PILOTS AND FLIGHT INSTRUCTORS**

§ 61.17 [Amended]

4. By deleting the number "90" and inserting "120" in place thereof in § 61.17(a).

**EXPLANATION**

Because of the numerous applicants seeking certification under Part 61, the time between date of application and date of issuance frequently exceeds 90 days. This necessitates renewal of the temporary certificate. The proposed 30-day extension should provide adequate time for certificate issuance without renewal of the temporary certificate.

**REF.**

Proposal No. 92; § 65.13.

**PART 63—CERTIFICATION: FLIGHT CREW MEMBERS OTHER THAN PILOTS**

§ 63.13 [Amended]

5. By deleting the number "90" and inserting "120" in place thereof in § 63.13.

**EXPLANATION**

See explanation to Proposal No. 92; § 61.17.

**REF.**

Proposal No. 92; § 65.13.

6. By revising § 63.41(b) to read as follows:

§ 63.41 Re-testing after failure.

(b) In the case of an applicant's first failure, before the 30 days have expired if he has received additional practice or instruction (flight, synthetic trainer, or ground training, or any combination thereof) that is necessary in the opinion of the Administrator or the applicant's instructor (if the Administrator has authorized the instructor to determine the additional instruction necessary) to prepare the applicant for re-testing.

**EXPLANATION**

See explanation to Proposal Nos. 83, and 96; §§ 63.59, and 65.19.

**REF.**

Proposal Nos. 83 and 96; §§ 63.59 and 65.19.

§ 63.53 [Amended]

7. By deleting § 63.53 (b) and (c) and redesignating § 63.53(d) as (b).

**EXPLANATION**

The proposal provides for utilization of a single-section test format which the FAA considers advantageous because it simplifies test administration and grading.

**REF.**

Proposal No. 80, 81; § 63.53.

§ 63.57 [Amended]

8. By deleting from § 63.57(a) the words "must pass a practical test in operating flight navigation equipment, and".

**EXPLANATION**

A separate test on navigation equipment is unnecessary since this ability is evaluated during the flight test. The proposal eliminates this redundancy in the testing requirement.

**REF.**

Proposal No. 82; § 63.57.

9. By revising §§ 63.59 (a) (2), (b) and (c) to read as follows:

§ 63.59 Retesting after failure.

(a) \* \* \*

(2) In the case of an applicant's first failure, before the 30 days have expired if he presents a signed statement from a certificated flight navigator, certificated ground instructor or any other qualified person approved by the Administrator, certifying that he has given the applicant additional instruction in each of the subjects failed and he considers the applicant ready for retesting.

(b) A statement from a certificated flight navigator, or from an operations official of an approved navigator course, is accepted, for the purposes of paragraph (a) (2) of this section, for the written test and for the flight test. A statement from a person approved by the Administrator is accepted for the written test. A statement from a supervising or check navigator with the United States Armed Forces is acceptable for the written test and for the practical test.

(c) If the applicant failed the flight test, the additional instruction must have been administered in flight.

**EXPLANATION**

The proposed rule provides a method whereby an applicant who has failed the test for the first time may be re-tested without the mandatory five hours of instruction. Additionally, § 63.59(b) would be changed to provide for a signed statement from "a person approved by the Administrator" as a means of re-qualifying for the written test. The requirement for "5 hours" of additional instruction is being deleted as the FAA believes that it is not necessary to specify the number of hours of instruction to be received. The proposed change would give added flexibility to the person who is to certify the applicant ready for retesting. Also see the explanation to Proposal No. 96; § 65.19.

**REF.**

Proposal Nos. 83 and 96; §§ 63.59 and 65.19.

10. By revising Appendix A of Part 63 to read as follows:

**APPENDIX A—TEST REQUIREMENTS FOR FLIGHT NAVIGATOR CERTIFICATE**

(a) *Demonstration of skill.* An applicant will be required to pass a practical test on the prescribed subjects. The test may be given by FAA inspectors and designated flight navigator examiners.

(b) *Practical test procedures.* (1) An applicant will provide an aircraft which is appropriately equipped for accomplishing celestial and radio navigation.

(2) More than one flight may be used to complete the flight test and any type of flight pattern may be used. The test will be conducted chiefly over water whenever practicable, and without regard to radio facilities. If the test is conducted chiefly over land, a chart should be used which shows very little or no topographical and aeronautical data. The total flight time will cover a period of at least four hours. Only one applicant may be examined at one time, and no applicant may perform other than navigator duties during the examination.

(3) When the test is conducted with an aircraft belonging to an air carrier, the navigation procedures should conform with those set forth in the carrier's operations manual. Items of the flight test which are not performed during the routine navigation of the flight will be completed by oral examination after the flight or at times during flight which the applicant indicates may be used for tests on those items. Since in-flight weather conditions, the reliability of the weather forecast, and the stability of the aircraft will have considerable effect on an applicant's performance, good judgment must be used by the inspector or examiner in evaluating the test.

(c) *The practical test evaluation.* The applicant's performance in the practical test is evaluated in terms of the elements listed below. Each item must be completed satisfactorily in order for the applicant to obtain a passing grade.

The applicant will be required to:

(1) Demonstrate or explain the operation of all navigation equipment to be used during the flight test;

(2) Check the presence on board and operating condition of all navigation equipment;

(3) Complete preflight planning to include flight time analysis, fuel requirements, cruise control chart data, and airplane performance parameters; and

(4) Demonstrate efficient and accurate normal navigation methods including computation of headings, ETA's, position determination by radio or celestial means, and transmission of position data to air traffic control facilities.

#### EXPLANATION

The proposed rule consists of an overall revision which updates references and removes outdated material. All changes are keyed to the items on the current Practical Test Report, FAA Form 8400-3, pertaining to the Flight Navigation Test.

#### REFERENCE

Proposal No. 84; Appendix A of Part 63.

### PART 65—CERTIFICATION: AIRMEN OTHER THAN FLIGHT CREWMEMBERS

#### § 65.13 [Amended]

11. By deleting the number "90" and inserting "120" in place thereof in § 65.13.

#### EXPLANATION

See explanation to Proposal No. 92; § 61.17.

#### REFERENCE

Proposal No. 92; § 65.13.

12. By revising § 65.19 to read as follows:

#### § 65.19 Retesting after failure.

An applicant for a written, oral, or practical test for a certificate and rating, or for an additional rating under this part, may apply for retesting—

(a) After 30 days after the date he failed the test; or

(b) In the case of an applicant's first failure, before the 30 days have expired if he presents a signed statement from an airman holding the certificate and rating sought by the applicant, certifying that he has given the applicant additional instruction in each of the subjects failed and that he considers the applicant ready for retesting.

#### EXPLANATION

The revision will make § 65.19 consistent with similar provisions under Part 61. The FAA believes that by limiting, to one, the number of retakes possible within 30 days, both the cost of the airman certification program and the possibility of compromise of FAA tests will be reduced. The requirement for "5 hours" of additional instruction is being deleted as the FAA believes that it is not necessary to specify the number of hours of instruction to be received. The proposed change would give added flexibility to the person who is to certify the applicant ready for retesting.

In deleting the currently enumerated provisions concerning who must certify as to the completion of additional instruction, the proposal would exclude persons holding military parachute rigger ratings from signing "5-hour letters" as is currently provided for under § 65.19(b)(4). The change is necessary because a person holding a military rating, and who under current regulations is authorized to sign "5-hour letters," has not necessarily demonstrated knowledge of the Federal Aviation Regulations under which the parachute was manufactured and is to be maintained.

#### REF.

Proposal Nos. 96, 97; § 65.19.

### PART 91—GENERAL OPERATING AND FLIGHT RULES

13. By revising § 91.8 to read as follows:

#### § 91.8 Prohibition against interference with crewmembers.

No person may:

(a) Assault, threaten, intimidate, or interfere with a crewmember in the performance of his duties aboard an aircraft; or

(b) Attempt to cause, either directly or indirectly, a crew member of an aircraft to divert that aircraft from its intended course or destination; or

#### EXPLANATION

This proposal was submitted to broaden the coverage of § 91.8. Under current § 91.8, the prohibitions against interference with crewmembers and the flight of aircraft only applies while "an aircraft is being operated in air commerce." Consequently, the prohibited acts set forth in the section would not give rise to a violation if they occurred prior to the time operation of the aircraft had begun. Accordingly this proposal would eliminate the words "being operated in air commerce" and thus the restricted coverage of § 91.8.

In addition, the proposal would prohibit the interference by a person, either directly or indirectly, with the intended course or destination of the aircraft. This prohibition would be in addition to the current provisions

of § 91.8(b) which prohibit a person from attempting to cause or causing the flight crew to divert the flight of an aircraft from its intended course or destination.

#### REF.

Proposal No. 167; § 91.8.

14. By revising § 91.15(a)(2) to read as follows:

#### § 91.15 Parachutes and parachuting.

(a) \* \* \*

(2) If any other type, it has been packed by a certificated and appropriately rated parachute rigger—

(i) Within the preceding 120 days, if its canopy, shrouds, and harness are composed exclusively of nylon, rayon, or other similar synthetic fiber or materials that are substantially resistant to damage from mold, mildew, or other fungi and other rotting agents propagated in a moist environment; or

(ii) Within the preceding 60 days, if any part of the parachute is composed of silk, pongee, or other natural fiber, or materials not specified in subdivision (i) of this paragraph.

#### EXPLANATION

Based on a consensus of comments recorded from the First Biennial Operations Review Conference and data gathered in the course of processing petitions for exemption from the provisions of §§ 91.15(a)(2) and 105.43(a)(2) of the Federal Aviation Regulations, the Federal Aviation Administration believes that the required 60 day repack cycle should be extended to 120 days with respect to parachutes made of materials that are substantially resistant to damage from mold, mildew, or other fungi. Current requirements were issued when most parachutes were made of silk or pongee materials which are subject to damage if not frequently opened and aired. Today, virtually all parachutes in use in the United States as auxiliary parachutes under part 105 of the Federal Aviation Regulations are constructed of nylon or other synthetic material proven to be resistant to solar rays, fungi, and moisture. However, since there is no requirement that parachutes be constructed of synthetic materials, the current repacking cycle should be retained for those made from natural fibers or materials.

Although Proposal Nos. 174, 175, and 176 were included in the Operations Review Conference agenda and were discussed by Committee 10 at the conference, they are being dealt with in this notice since they elicited no adverse comments and are deemed appropriate for inclusion in this notice. The petition for rulemaking filed by the United States Parachute Association (Docket No. 13399) was considered in the development of this proposal.

#### REF.

Proposal Nos. 174, 175, and 176; §§ 91.15 and 105.43.

15. By amending § 91.17 by deleting § 91.17(c) and amending § 91.17(a)(1) to read as follows:

#### § 91.17 Towing: Gliders.

(a) No person may operate a civil aircraft towing a glider unless:

(1) The pilot in command of the towing aircraft is qualified under § 61.69 of this chapter.

EXPLANATION

Section 91.17 regulates the towing of gliders and § 91.18 regulates all towing other than that regulated by § 91.17. They are therefore, mutually exclusive and the reference in § 91.17 to § 91.18 is inappropriate and should be deleted.

Also, the reference to § 61.38 in paragraph (a)(1) should be changed to make the correct citation to revised Part 61.

Finally, the grandfather rights provided in paragraph (c) have expired and that paragraph should be deleted.

REF.

Proposal No. 178; § 91.17.

16. By revising § 91.18(a) to read as follows:

§ 91.18 Towing: Other than under § 91.17.

(a) No pilot of a civil aircraft may tow anything with that aircraft (other than under § 91.17) except in accordance with the terms of a certificate of waiver issued by the Administrator.

EXPLANATION

The proposed change to § 91.17(a) would obviate the need for the current provision in § 91.18(a) relating to waivers for the towing of gliders. Consequently, it is proposed to delete the second sentence of paragraph (a) of § 91.18.

REF.

Proposal No. 178; § 91.18.

17. By revising § 91.43(b) to read as follows:

§ 91.43 Special rules for foreign civil aircraft.

(b) VFR. No person may conduct VFR operations, which require two way radio communication under this Part, unless at least one crewmember of that aircraft is able to conduct two-way radiotelephone communications in the English language and is on duty during that operation.

EXPLANATION

The FAA has experienced difficulties in the past with aircraft operating between the United States and South America which, although operating VFR and thus not subject to § 91.43(c), enter terminal control areas and mix with other VFR and IFR traffic. Once in the terminal control area the need to be able to communicate with such aircraft is increased, but in many cases communication is either impossible or ineffective due to the crews' inability to do so because of English language difficulties. Accordingly, this proposal would extend the current IFR requirement under § 91.43(c)(3) to VFR operations which are required by Part 91 to have a capability for two-way radio communication.

REF.

Proposal No. 222; § 91.43.

18. By revising the first sentence in the flush paragraph immediately following § 91.52(d)(2) to read as follows:

§ 91.52 Emergency locator transmitters.

(d) \* \* \*

The new expiration date for the replacement (or recharge) of the battery must be legibly marked on the outside of the transmitter and entered in the aircraft maintenance record. \* \* \*

EXPLANATION

In many aircraft the emergency locator transmitter (ELT) is located in the aft section of the aircraft thereby making visual inspection, to determine compliance with battery life dates, difficult. To alleviate this difficulty, it is proposed to require that in addition to being legibly marked on the battery itself, the replacement or recharge dates be entered in the maintenance record for the aircraft.

REF.

Proposal No. 227; § 91.52.

19. By amending § 91.73 by deleting the word "or" after § 91.73(b)(3) and deleting the period after § 91.73(c)(2) and inserting the phrase "; or" in place thereof and by adding a new paragraph (d) immediately following paragraph (c), to read as follows:

§ 91.73 Aircraft lights.

No person may, during the period from sunset to sunrise (or, in Alaska, during the period a prominent unlighted object cannot be seen from a distance of three statute miles or the sun is more than six degrees below the horizon),

(d) Operate an aircraft, required by § 91.33(c)(3) to be equipped with an anticollision light system, unless it has approved and lighted aviation red or aviation white anticollision lights. However, the anticollision lights need not be lighted when the aircraft is being operated under IFR in meteorological conditions which the pilot in command determines make it necessary in the interest of safety to operate the aircraft without lighted anticollision lights.

EXPLANATION

Although § 91.33(e)(3) requires that an aircraft have operable approved anticollision lights for VFR night operations, § 91.73 does not require that they be lighted during VFR night operations nor during other VFR or IFR operations. Accordingly, it is proposed to require that approved anticollision lights be lighted during all night operations, with the exception that the pilot in command may determine that the anticollision lights be turned off when their light output during adverse meteorological conditions would constitute a hazard to safety.

REF.

Proposal No. 236; § 91.73.

20. By revising § 91.83 by deleting the flush paragraph immediately following paragraph (a)(11) and inserting a new paragraph (d) immediately following paragraph (c)(2) to read as follows:

§ 91.83 Flight plan; information required.

(d) Cancellation. When a flight plan has been activated, the pilot in command, upon cancelling or completing the flight under the flight plan, shall notify the nearest FAA Flight Service Station or ATC facility.

EXPLANATION

The purpose of this proposal is to clarify the responsibility of the pilot in command with respect to the point after which he must notify the nearest FAA Flight Service Station or ATC facility of the cancellation or completion of a flight plan. As proposed, activation, rather than filing, would be the key point at which the flight plan would enter the air traffic system. As such, this proposal would merely give formal recognition to current FAA procedure. At the present time, VFR flight plans which have not been activated are automatically cancelled unless the Flight Service Station or ATC receives a revised proposed departure time or is informed that the proposed departure time will be met.

REF.

Proposal No. 246; § 91.83.

21. By revising the lead in to § 91.173(a) and (b) and revising (a)(2)(v) and adding a new paragraph (b)(3) to read as follows:

§ 91.173 Maintenance records.

(a) Except for work performed in accordance with §§ 91.170 and 91.177, each registered owner or operator shall keep the following records for the periods specified in paragraph (b) of this section:

(2) \* \* \*

(v) The current status of applicable airworthiness directives (AD) including, for each, the method of compliance, the AD number, and revision date. If the AD involves recurring action, the time and date when the next action is required.

(b) The owner or operator shall retain the following records for the periods prescribed.

(3) A list of defects furnished to a registered owner or operator under § 43.9 of this chapter, shall be retained until the defects are repaired and the aircraft is approved for return to service.

EXPLANATION

The proposed revision to § 91.173(a) reflects the requirement that 24 month inspection records required by § 91.177 be retained for a 24 month period.

The proposed revision of § 91.173(a)(2)(v) recognizes a need for specificity in retention of information relating to airworthiness directive (ADs) and compliance therewith. Maintenance entries made under § 43.9 may be broadly stated with respect to airworthiness directive compliance and thus may not provide adequate information. This proposal

would place the responsibility on the registered owner or operator for more specific entries. The FAA believes that this change would help ensure compliance with ADs.

A new paragraph (b)(3) would be added to § 91.173 to include the list of defects required to be furnished under § 43.9 to be among the maintenance records which must be retained.

## REF.

Proposal Nos. 292, 294, 297; § 91.173.

22. By adding a new § 91.189(b) (5) to read as follows:

§ 91.189 Survival equipment for over-water operations.

(b) After (a date after the effective date of this amendment), a lifeline stored in accordance with § 25.1411(g).

## EXPLANATION

Because many large and turbine-powered multi-engine airplanes are used in operations conducted over water, this proposal would add an important item of emergency equipment in the event of a ditching. This proposal is based in part on requirements applicable to Part 121 certificate holders conducting extended over-water operations and is considered necessary to assist evacuees of a ditched airplane in staying on the wing.

In addition, the FAA invites comments addressed specifically to the appropriate compliance period necessary to insure that no undue burden will be placed on persons affected by the proposal.

## REF.

Proposal No. 320; § 91.189.

23. By amending paragraph 2(a) (7) of Appendix A to Part 91 by adding a sentence to read as follows:

APPENDIX A—CATEGORY II OPERATIONS: MANUAL INSTRUMENTS, EQUIPMENT AND MAINTENANCE

2. Required instruments and equipment.

(a) Group I

(7) After (a date after the effective date of this amendment), two sensitive altimeters adjustable for barometric pressure, having markings at 20-foot intervals and each having a placarded correction for altimeter scale error and for the wheel height of the airplane.

## EXPLANATION

This proposal is designed to increase the accuracy of altimeter readings by establishing a fixed 20-foot interval requirement for all altimeters. At the present time, some altimeters are marked at 50-foot intervals, which may be too broad and thus not sufficiently accurate for Category II operations.

In addition, the FAA invites comments addressed specifically to the appropriate compliance period necessary to ensure that no undue burden will be placed on persons affected by the proposal.

## REF.

Proposal No. 335; Appendix A to Part 91.

## PART 149 [RESERVED]

## PART 105—PARACHUTE JUMPING

24. By revising § 105.15(b) to read as follows:

§ 105.15 Jumps over or into congested areas or open air assemblies of persons.

(b) An application for a certificate of authorization issued under this section is made in a form and in a manner prescribed by the Administrator and must be submitted to either the FAA General Aviation District Office or Flight Standards District Office having jurisdiction over the area in which the parachute jump is to be made, at least four days before the day of that jump.

## EXPLANATION

The proposal is intended to remove the ambiguity contained in the present rule which has caused applications for a Certificate of Authorization to be filed at inappropriate FAA offices, resulting in excessive delays. The proposed wording should insure that applications will be submitted to the appropriate offices and thereby expedite issuance.

## REF.

Proposal No. 341; § 105.15.

25. By revising § 105.33 to read as follows:

§ 105.33 Parachute jumps between sunset and sunrise.

(a) No person may make a parachute jump, and no pilot in command of an aircraft may allow any person to make a parachute jump from that aircraft, between sunset and sunrise, unless that person is equipped with a means of producing a light visible for at least three statute miles.

(b) Each person making a parachute jump between sunset and sunrise shall display the light required by paragraph (a) of this section from the time he exits the aircraft until he reaches the surface.

## EXPLANATION

Section 105.33(a) would be amended to require parachutists to be equipped with a light from sunset to sunrise. This change would make the requirements consistent with § 91.73. The title of the section would also be made more precise as to when the requirements therein apply.

Section 105.33(b) would be amended to require that the light required by § 105.33(a) be displayed from exit from the aircraft to landing. Currently, the light is required to be displayed from canopy opening to landing, and, therefore, a free-falling parachutist is not required to display any light for a significant period of the jump. This proposed change would rectify that situation.

## REF.

Proposal Nos. 342, 343; § 105.33.

26. By amending § 105.43 to read as follows:

§ 105.43 Parachute equipment and packing requirements.

## (a) \* \* \*

(2) The auxiliary must have been packed by a certificated and appropriately rated parachute rigger:

(i) Within 120 days before the date of use, if its canopy, shroud, and harness are composed exclusively of nylon, rayon or other similar synthetic fiber or material that is substantially resistant to damage from mold, mildew, or other fungi and other rotting agents propagated in a moist environment; or

(ii) Within 60 days before the date of use, if it is composed in any amount of silk, pongee, or other natural fiber, or material not specified in paragraph (a) (2) (i) of this section.

## EXPLANATION

See explanation to proposal for § 91.15.

## REF.

Proposal Nos. 174, 175, and 176; §§ 91.15 and 105.43.

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

27. By revising § 121.11 to read as follows:

§ 121.11 Rules applicable to operations in a foreign country.

Each certificate holder shall, while operating an airplane within a foreign country, comply with the air traffic rules of the country concerned and the local airport rules, except where any rule of this part is more restrictive and may be followed without violating the rule of that country.

## EXPLANATION

This proposal recognizes the fact that under § 121.3(d) a domestic air carrier may be authorized to operate within a foreign country, and consequently should comply with the air traffic rules of that country as currently provided for flag and supplemental air carriers and commercial operators under § 121.11.

## REF.

Proposal No. 358; § 121.11.

28. By adding a new § 121.26 immediately following § 121.25 to read as follows:

§ 121.26 Application for domestic or flag air carrier operator certificates.

Each application for a domestic or flag air carrier operating certificate shall be made in the form and manner and contain information prescribed by the Administrator. Each applicant must submit his application at least 60 days before the date of intended operation.

## EXPLANATION

This proposal would provide a format and time for domestic or flag air carriers to make application for an operating certificate. This is specifically provided for in § 121.47 for a supplemental air carrier or commercial opera-

tor's certificate. Apparently, this requirement was inadvertently omitted during recodification, since there was an identical provision under § 40.12 of the Civil Aviation Regulations.

REF.

Proposal No. 344; § 121.26.

29. By revising § 121.29(b) to read as follows:

§ 121.29 Duration of certificate.

(b) If the Administrator suspends, revokes, or otherwise terminates a certificate, the holder of that certificate shall return it to the Administrator within ten days after receipt of notification of suspension, revocation, or other termination.

EXPLANATION

This proposal is designed to prevent the indefinite holding of suspended, revoked, or otherwise terminated certificates by air carriers against whom FAA enforcement action has been taken.

REF.

Proposal No. 363; §§ 121.29 and 121.53.

30. By amending the second sentence of § 121.47(a) to read as follows:

§ 121.47 Application for supplemental air carrier and commercial operator certificates.

(a) \* \* \* Each applicant must submit his application at least 60 days before the date of intended operation (in the case of an original application) or 60 days before the date the certificate terminates (in the case of a renewal application).

EXPLANATION

The 60 day application period for the renewal of a supplemental air carrier or commercial operator operating certificate is proposed in order to provide the FAA with a reasonable time within which to inspect and evaluate the certificate holder's operation prior to renewal.

REF.

Proposal No. 366; § 121.47.

31. By revising § 121.53(e) to read as follows:

§ 121.53 Duration of certificate.

(e) If the Administrator suspends, revokes, or otherwise terminates a certificate, the holder of that certificate shall return it to the Administrator within ten days after receipt of notification of suspension, revocation, or other termination.

EXPLANATION

See discussion of a similar change proposed for § 121.29.

REF.

Proposal No. 363; §§ 121.29 and 121.53.

32. By revising § 121.61(b) (1) to read as follows:

§ 121.61 Management personnel: qualifications.

(b) No person may serve as chief pilot unless he—

(1) Holds a current airline transport pilot certificate with appropriate ratings for at least one of the types of aircraft used;

EXPLANATION

Current § 121.61(b)(1) states that the Chief Pilot must hold an airline transport pilot certificate with appropriate ratings for the type of aircraft used. However, many operators use several different types of aircraft, and the FAA believes that the chief pilot need only be type-rated and current in at least one of the types of aircraft being operated by the certificate holder by whom he is employed.

REF.

Proposal No. 372; § 121.61(b) (1).

§ 121.135 [Amended]

33. By amending § 121.135(b) (6) and (7) by deleting the phrase, "their crew complement,".

EXPLANATION

Section 121.135(b) (6) and (7) imply that the operations specifications for Part 121 operators include crew complements. However, operations specifications required by §§ 121.25(b) and 121.45(b) for Part 121 operators do not prescribe crew complements as one of the items required to be included therein. Flight crew requirements are included in the approved Flight Manual and the airworthiness certificate as provided in § 121.385(a). The requirements for a navigator included in the operations specifications are outlined in § 121.389(b). Also the term "crew complement" would include flight attendants. The requirements for flight attendants to be included in the operations specifications is outlined in § 121.391(a). Consequently, inclusion of the term "their crew complement" in § 121.135(b) (6) and (7) is redundant and should be deleted.

REF.

Proposal No. 380; § 121.135(b) (6) and (7).

34. By amending § 121.191(a) as follows:

§ 121.191 Transport category airplanes: turbine engine powered: en route limitations: one engine inoperative.

(a) No person operating a turbine engine powered transport category airplane may take off that airplane at a weight, allowing for normal consumption of fuel and oil, that is greater than that which (under the approved, one engine inoperative, en route net flight path data in the Airplane Flight Manual for that airplane) will allow compliance with paragraphs (a) (1) or (2) of this section, based on the ambient temperatures expected en route:

EXPLANATION

The clause "allowing for normal consumption of fuel and oil" was inadvertently omitted in the original drafting of this paragraph. There was no intention that the takeoff weight be limited to the maximum weight allowable at the critical en route point. The proposed wording is consistent with § 121.181(a).

REF.

Proposal No. 401; § 121.191(a).

35. By revising § 121.309(b)(4) to read as follows:

§ 121.309 Emergency equipment.

(b) \* \* \*

(4) Must be marked as to date of last inspection and the date the next inspection is due and, when carried in a compartment or container, the compartment or container must be marked to indicate its contents, and the date of last inspection and the date the next inspection is due.

EXPLANATION

The item itself, in addition to the container or compartment it occupies, should be marked as to date of last inspection. This should preclude a situation whereby an outdated item is replaced while the inspection date on the container or compartment remains unchanged.

REF.

Proposal No. 426; § 121.309(b) (4).

36. By revising § 121.317 to read as follows:

§ 121.317 Passenger information.

(a) No person may operate an airplane unless it is equipped with passenger information signs that meet the requirements of § 25.791 of this chapter. The signs must be constructed so that the crew can turn them on and off. They must be turned on for each takeoff and each landing and when otherwise considered to be necessary by the pilot in command.

(b) No passenger or crewmember may smoke while the no smoking sign is lighted and each passenger shall fasten his seat belt and keep it fastened while the seat belt sign is lighted.

EXPLANATION

The reference to May 1, 1974 is obsolete in § 121.317(a). In § 121.317(b), changing the words cabin attendant to crewmember would require all crew members to observe the no smoking rule when the no smoking sign is lighted, rather than merely cabin attendants.

REF.

Proposal No. 449; § 121.317 (a) and (b).

37. By adding a new third sentence to § 121.401(c) to read as follows:

§ 121.401 Training program: General.

(c) \* \* \* When the certification required by this paragraph is made by an entry in a computerized record-keeping system, the certifying instructor, supervisor, or check airman must be identified with that entry. However, the signature of the certifying instructor, supervisor, or check airman is not required for computerized entries.

EXPLANATION

This proposal recognizes the increased use of computerized recordkeeping systems by Part 121 certificate holders and the difficulty encountered when attempting to reconcile current procedures for certification of crew member, dispatcher, or flight instructor pro-

iciency with such systems. Accordingly, this proposal would permit such certification to be accomplished using entries in computer systems, by requiring that each entry identify the instructor, supervisor, or check airman concerned but not requiring his signature.

## REF.

Proposal No. 503; § 121.401.

38. By revising § 121.440(b) (2) to read as follows:

## § 121.440 Line checks.

(b) \* \* \*

(2) Consist of at least one flight over a typical part of the air carrier's route, or over a foreign or federal airway, or over a direct route.

## EXPLANATION

This proposal would permit pilot-in-command line checks to be conducted during "off-line" flights such as charter flights. Pilot proficiency can be as adequately demonstrated during such operations as during a line operation and would thus permit flexibility in the scheduling of line checks.

## REF.

Proposal No. 543; § 121.440.

39. By revising § 121.548 to read as follows:

## § 121.548 Aviation safety inspector's credentials: admission to pilot's compartment.

Whenever, in performing his duties of conducting an inspection, an inspector of the Federal Aviation Administration presents his credential Form FAA 110A, "Aviation Safety Inspector's Credential", to the pilot in command of an aircraft operated by an air carrier or commercial operator, he must be given free and uninterrupted access to the pilot's compartment of that aircraft.

## EXPLANATION

The FAA has revised FAA form 110A by changing its title to "Aviation Safety Inspector's Credential". This proposal would substitute the phrase "Aviation Safety Inspector's Credential" for the phrase "Air Carrier Inspector's Credential". The change is necessary to prevent possible confusion.

## REFERENCE

None.

## § 121.651 [Amended]

40. By deleting the words "range station or comparable facility" in § 121.651(d) (2) and substituting the words "navigation facility" in place thereof.

## EXPLANATION

The term "radio range stations" is no longer in use. Hence, it should be deleted and the term "radio navigation facility" substituted therefor.

## REFERENCE

Proposal No. 779; § 135.111.

41. By amending § 121.652(a) by adding the following new sentence to read as follows:

## § 121.652 Landing weather minimums: IFR: all certificate holders.

(a) \* \* \* However, a pilot in command employed by an air taxi operator certificated under § 135.2 of this chapter, may credit the flight time he acquires in operations conducted for that operator under Part 91 for up to 50% of the 100 hours of pilot-in-command experience required by this paragraph.

## EXPLANATION

Under current § 121.652, if a pilot in command under Part 121 has not served 100 hours as pilot in command in operations under that Part, the MDA or DH and visibility landing minimums in the operations specification of the certificate holder for whom he serves are increased by 100 feet and one-half mile (or the RVR equivalent). In response to the fact that it takes many flights to acquire the 100 hours needed to permit a pilot in command under Part 121 to use lower IFR landing minimums, this proposal would permit a pilot in command serving an air taxi operator certificated under § 135.2 (and who is subject to the operating rules of Part 121), to credit up to 50 hours the flight time he acquires for that air taxi operator in operations governed solely by Part 91 toward the 100 hours required by § 121.652. As such, the proposal recognizes the fact that the pilots in command in question conduct Part 91 operations in the same airplane they fly under Part 121 operations, but to minimums lower than those they are permitted to use under Part 121 until they have acquired the required 100 hours.

Comments are solicited concerning the advisability of expanding this proposal to include pilots in command employed by Part 121 certificate holders.

## REF.

Proposal No. 623; § 121.652(a).

## § 121.697 [Amended]

42. By amending § 121.697(e) (2) by deleting the words "six months" and inserting in place thereof the words "three months".

## EXPLANATION

This proposal would reduce the record retention period applicable to supplemental air carriers and commercial operators from 6 months to 3 months, thereby making it consistent with the requirement applicable to domestic and flag air carriers under § 121.695. This proposal would reduce the present administrative burden with no resultant adverse effect on safety.

## REF.

Proposal No. 640; § 121.697.

43. By revising § 121.723 to read as follows:

## § 121.723 Application and issue.

(a) An application for a crewmember certificate is made on Form FAA-2116 "Application for Crewmember Certificate", and submitted to the nearest Air Carrier District Office. The certificate is issued on Form FAA-2116.1 "Crewmember Certificate".

(b) The holder of a certificate issued under this subpart, or the air carrier or commercial operator by whom he is employed, shall surrender the certificate for

cancellation at the nearest Air Carrier District Office, or submit it for cancellation to the Airman Certification Branch, AC-260, P.O. Box 25082, Oklahoma City, Oklahoma 73125, at the end of the holder's assignment in international air commerce with that carrier or operator.

## EXPLANATION

This proposal is intended to provide flexibility to holders of international crewmember certificates in obtaining and returning those certificates. In many cases, the crewmember may be so far away from an Air Carrier District Office that an alternate point for his submission of an application or the return of a certificate is necessary.

## REF.

Proposal No. 647; § 121.723.

## PART 123—CERTIFICATION AND OPERATIONS: AIR TRAVEL CLUBS USING LARGE AIRPLANES

44. By adding a new § 123.11(b) (3) to read as follows:

## § 123.11 Application for air travel club operating certificate.

(b) \* \* \*

(3) The financial information listed in § 123.12.

## EXPLANATION

See explanation to Proposal No. 669; § 123.12.

## REF.

Proposal No. 669; Part 123.

45. By adding a new § 123.12 immediately following § 123.11 to read as follows:

## § 123.12 Financial information required for original issue or renewal.

Each applicant for the original issue or renewal of an air travel club operating certificate shall submit the information required by § 121.49 (a), (c), (d), (h), and (i) of this chapter with its application.

## EXPLANATION

The proposed rule would require that the applicant furnish certain financial information required by the regulations. The FAA is of the opinion that such information is necessary to insure a proper evaluation of the stability of the operation so that safety is not degraded through a failure to observe required operating procedures.

## REF.

Proposal No. 669; Part 123.

46. By revising § 123.13 to read as follows:

## § 123.13 Management personnel required.

(a) Each applicant for a certificate under this part must show that it has enough qualified management personnel to provide the highest degree of safety in its operations and to assure that its operations are conducted in accordance with the requirements of this part. Personnel are required in the following or equivalent positions:

(1) Director of Operations.

- (2) Director of Maintenance.
- (3) Chief Pilot.
- (4) Chief Inspector.

(b) Upon application by the air travel club, the Administrator may approve fewer or different positions than those listed in paragraph (a) of this section for a particular operation if the applicant shows that it can perform the operation with the highest degree of safety under the direction of fewer or different categories of management personnel due to:

- (1) The kind of operation involved;
- (2) The number and type of aircraft used; or
- (3) The area of operations.

- (c) Each applicant shall:

(1) Set forth in the general policy section of its manual, the duties, responsibilities, and authority, of the personnel required by this section;

(2) List in the manual the names and addresses of the persons assigned to those positions;

(3) Designate one person as responsible for the scheduling of inspections required by the air travel club manual and for the updating of the approved weight and balance system on all aircraft operated by the air travel club; and

(4) Within 10 days of such change, notify the FAA District Office, charged with the overall inspection of the air travel club, of any change made in the assignment of persons to the listed positions.

**EXPLANATION**

The proposed rule provides that certain key management personnel will be designated. The expansion of air travel club operations makes such a designation necessary to ensure proper management of the clubs and adequate supervision by the FAA. A new § 123.13(b) is added to provide the air travel clubs the same prerogatives as a commercial operator with respect to their management structure.

**REF.**

Proposal No. 671; § 123.13.

47. By revising § 123.15(a) to read as follows:

**§ 123.15 Management personnel: Qualifications.**

(a) No person may serve in any position required in § 123.13 unless he meets the appropriate requirements of § 121.61 of this chapter.

**EXPLANATION**

The proposed change would provide certain minimum qualifications for management personnel to insure that such personnel are qualified to fulfill their responsibilities with respect to the increasingly complex operations of an air travel club. These qualifications are prescribed in § 121.61, and help to assure that operations under Part 123 are conducted in accordance with the regulations prescribed therein.

**REF.**

Proposal No. 672; § 123.15.

48. By revising § 123.19(c) to read as follows:

**§ 123.19 Duration of certificate.**

(c) If the Administrator suspends, revokes, or otherwise terminates a certificate, the holder of that certificate shall return it to the Administrator within 10 days after receipt of notification of suspension, revocation, or other termination.

**EXPLANATION**

The proposed rule would provide a specific time by which a revoked or otherwise terminated certificate must be returned to the Administrator.

**REF.**

Proposal No. 673; § 123.19.

49. By redesignating § 123.27 (a) through (m) as (b) through (n) respectively and adding a new (a) to read as follows:

**§ 123.27 Applicable regulations of Part 121.**

(a) §§ 121.49(a), 121.49(c), 121.49(d), 121.49(h), 121.49(i), and 121.61 of Subpart C.

**EXPLANATION**

The addition of these requirements to Part 123 by proposals to §§ 123.19 and 123.15, included in this notice, require that § 123.27 be amended to reflect those changes.

**REF.**

Proposal No. 669, 672; Part 123 and § 123.15.

50. By revising § 123.41(a)(1) to read as follows:

**§ 123.41 Training program.**

(a) Each certificate holder shall have a training program that:

(1) Provides the training required by §§ 121.415 through 121.427 (except § 121.422) of this chapter as applicable to commercial operators; and

**EXPLANATION**

This proposed rule would require the certificate holder to have a training program with the prescribed number of programmed hours that are applicable to commercial operators under Part 121. The FAA believes that crewmembers of air travel clubs, who may be flying fewer hours than crewmembers of commercial operations, would benefit from this change which is designed to increase their proficiency by increasing the amount of training they must receive.

**REF.**

Proposal No. 679; § 123.41.

**PART 127—CERTIFICATION AND OPERATION OF SCHEDULED AIR CARRIERS WITH HELICOPTERS**

51. By revising § 127.3 to read as follows:

**§ 127.3 Operating rules.**

Each air carrier shall:

(a) When engaged in scheduled interstate operations, comply with Part 91 of this chapter unless otherwise specified in this part; and

(b) When engaged in charter flights or other special service operations, comply with the requirements of § 121.5 of this chapter.

**EXPLANATION**

There has been some confusion as to the applicable operating rules for a Part 127 certificate holder who is conducting other than scheduled operations. The proposal would clarify the rule to reflect that charter and other special service operations are to be conducted under Part 121.

**REF.**

Proposal No. 682; § 127.1.

52. By revising § 127.21(b) to read as follows:

**§ 127.21 Duration of certificate.**

(b) If the Administrator suspends, revokes, or otherwise terminates a certificate, the holder of that certificate shall return it to the Administrator within ten days after receipt of notification of suspension, revocation, or other termination.

**EXPLANATION**

See explanation to Proposal No. 363; § 121.29.

**REF.**

Proposal Nos. 363 and 684; §§ 121.29, 121.53 and 127.21.

53. By revising § 127.151(a) to read as follows:

**§ 127.151 Establishment.**

(a) Each air carrier shall establish a training program, approved by the Administrator, that insures that each crewmember is adequately trained to perform his assigned duties. Before serving in scheduled operations, each crewmember must satisfactorily complete the initial training phases.

**EXPLANATION**

The proposed rule would enhance safety by providing for a training program approved by the Administrator. Such approval is necessary to assure that deficiencies detected through FAA evaluation will be corrected in a manner which best insures effective training.

**REF.**

Proposal No. 692; § 127.151.

54. By revising § 127.212 to read as follows:

**§ 127.212 Aviation Safety Inspector's credentials: admission to pilot's compartment.**

Whenever, in performing his duties of conducting an inspection, an inspector of the Federal Aviation Administration presents his credential Form FAA 110A, "Aviation Safety Inspector's Credential", to the pilot in command of a helicopter operated by an air carrier, he must be given free and uninterrupted access to the pilot's compartment of that helicopter.

## EXPLANATION

The FAA has revised FAA Form 110A by changing its title to "Aviation Safety Inspector's Credential" from the previous "Air Carrier Inspector's Credential". This proposal is necessary to prevent possible confusion.

REF.

None.

55. By revising § 127.249(b) to read as follows:

§ 127.249 Operation in icing conditions.

(b) No person may takeoff a helicopter that has frost, snow, or ice adhering to its windshield, rotors, stabilizing or control surfaces, or other movable parts of the helicopter or to an altimeter, airspeed, rate of climb, or flight attitude instrument system.

## EXPLANATION

The proposed changes would make § 127.249(b) more consistent with § 91.209 which prescribes anti-icing requirements applicable to airplanes.

REF.

Proposal No. 694; § 127.249.

**PART 135—AIR TAXI OPERATORS AND COMMERCIAL OPERATORS OF SMALL AIRCRAFT**

56. By revising § 135.39(d) to read as follows:

§ 135.39 Informing personnel of operational information.

(d) For foreign operations, the International Flight Information Manual, or a commercial publication that contains the same information and information concerning the pertinent operational and entry requirements of the foreign country or countries involved.

## EXPLANATION

This proposal would permit a Part 135 certificate holder conducting foreign operations to use a commercial publication in lieu of the International Flight Information Manual. This is currently permitted under § 135.39(a) for domestic operations.

REF.

Proposal No. 731; § 135.39(d).

57. By revising § 135.63 by amending paragraph (b) and adding a new paragraph (h) to read as follows:

§ 135.63 Carriage of persons without compliance with the passenger-carrying provisions of this part.

(b) A person traveling to or from a crewmember or maintenance assignment, when the operator of the aircraft finds that other means of transportation are not practicable.

(h) A person, authorized by the Administrator, who is performing a duty connected with a cargo operation of the certificate holder.

## EXPLANATION

These proposed changes result from two proposals to broaden the coverage of § 135.63. With respect to paragraph (b), provision should be made for maintenance personnel of the certificate holder who must travel to outlying bases to perform required maintenance operations when other means of transportation are not practicable.

A new paragraph (h) is proposed to permit cargo handlers to travel on the certificate holder's aircraft in order to perform loading or unloading functions at the destination. In many cases, the cargo handling function must be performed at remote areas where there are no means or manpower available, other than the crew, for loading or unloading the aircraft.

REF.

Proposal Nos. 745 and 746; § 135.63.

58. By adding a new § 135.68 immediately following § 135.67 to read as follows:

§ 135.68 Continuing flight in unsafe conditions.

No pilot in command may allow a flight to continue toward any airport of intended landing if, in the opinion of the pilot in command, the flight cannot be completed safely, unless, in the opinion of the pilot in command, there is no safer procedure. In that event, continuation toward that airport is an emergency situation as set forth in § 135.7.

## EXPLANATION

This proposal is a portion of one recommending the inclusion, in Part 135, of the requirements of § 121.627 relating to the continuations of flight in unsafe conditions. The FAA believes that such a provision is just as appropriate in Part 135 as it is in Part 121, since in both cases it recognizes the practical emergencies that can arise during flight.

However, that portion of the proposal relating to use of a minimum equipment list and inoperative equipment or instruments has not been incorporated in this Notice because Notice 75-20 (40 FR 22110) deals with that issue.

REF.

Proposal No. 751; § 135.68 (new).

59. By revising § 135.131 by amending the flush paragraph immediately following paragraph (g) to read as follows:

§ 135.131 Pilot in command: instrument check requirements.

(g) \* \* \*

Each person taking the autopilot check must show that, while using the autopilot, the airplane can be operated as proficiently as it would be if a second in command were present to handle air-ground communications and copy air traffic control instructions. The autopilot check need only be demonstrated once every 12 calendar months during the instrument check required under paragraph (a) of this section.

## EXPLANATION

The proposed rule would provide that the autopilot check be demonstrated only once a

year during an instrument check. Experience has shown that six month checks in use of the autopilot are unnecessary.

REF.

Proposal No. 789; § 135.131.

60. By revising § 135.161 to read as follows:

§ 135.161 Fire extinguishers: passenger-carrying aircraft.

No person may operate an aircraft carrying passengers unless it is equipped with hand fire extinguishers of an approved type for use in crew and passenger compartments in accordance with the following:

(a) The type and quantity of extinguishing agent must be suitable for the kinds of fires likely to occur in the compartment where the extinguisher is intended to be used.

(b) At least one hand fire extinguisher, that is accessible to a pilot and a passenger, or two hand fire extinguishers, one of which is accessible to a pilot and the other to a passenger, must be provided.

(c) Each aircraft accommodating more than thirty passengers must be equipped with two hand fire extinguishers which are accessible to the passengers in addition to meeting the requirements of paragraph (b) of this section.

## EXPLANATION

Under current § 135.161, there are no standards which required hand fire extinguishers must meet, and consequently there is no reasonable assurance that they will work when needed. The proposed amendment would provide for approval of hand fire extinguishers, and also provide that they be adequate as to numbers and to type of the extinguishing agent used. The proposed amendment would make § 135.161 consistent with the related provisions of § 121.309. Also, the proposal clarifies the requirement as to accessibility of the fire extinguisher by proposing that it be accessible to a pilot and a passenger.

REF.

Proposal No. 815; § 135.161.

**PART 137—AGRICULTURAL AIRCRAFT OPERATIONS**

§ 137.19(e) [Amended]

61. By deleting the second sentence of § 137.19(e).

## EXPLANATION

The second sentence is deleted as there are no certificates of waiver in existence and none will be issued. In its present form, the regulation permits a person, who has not participated in agricultural operations for 10 years, to avoid the knowledge and skill test requirements of § 137.19. The FAA believes that agricultural flying requires at least as much skill and knowledge as other flight operations. It is inconsistent with FAA policy to permit a pilot who has not had experience for extended periods to be allowed to resume those activities without appropriate testing. This proposal eliminates the provision which permits avoidance of appropriate testing.

REF.

Proposal Nos. 822, 823; § 137.19.

62. By amending Part 145 as follows:

**PART 145—REPAIR STATIONS AND PARACHUTE LOFTS**

**Subpart A—Repair Stations: General Requirements**

**Subpart E—Parachute Loft**

- Sec.  
145.107 Applicability.  
145.109 Application and Issue.  
145.111 Duration of Certificate.  
145.113 Cooperation during inspection or test.  
145.115 Persons authorized to maintain or alter parachutes.  
145.117 Ratings.  
145.119 Eligibility requirements: general.  
145.121 Reports and records.  
145.123 Maintenance of personnel, facilities, equipment, and materials.  
145.125 Maintenance and alteration standards.  
145.127 Material standards.  
145.129 Drop Testing.  
145.131 Display of certificate.  
145.133 Change of location.

**Subpart A—Repair Stations: General Requirements**

**145.1 Applicability.**

(a) Subparts A through D of this part prescribe the requirements for issuing repair station certificates and associated ratings to facilities for the maintenance, preventive maintenance, and alterations of aircraft, airframe, aircraft engines, propellers, appliances, and their parts and material, and prescribes the general operating rules for the holders of those certificates and ratings.

**145.11 Application and issue.**

(b) An applicant who meets the requirements of subparts A through D of this part is entitled to a repair station certificate with appropriate ratings prescribing such operations specifications and limitations as are necessary in the interest of safety.

**Subpart E—Parachute Loft**

**145.107 Applicability.**

This subpart prescribes the requirements for issuing parachute loft certificates and associated ratings and the general operating rules for the holders of those certificates and ratings.

**145.109 Application and issue.**

(a) An application for a certificate and rating, or for an additional rating under this subpart is made on a form and in a manner prescribed by the Administrator.

(b) An applicant who meets the requirements of this subpart is entitled to a parachute loft certificate and appropriate ratings.

(c) The holder of a parachute loft certificate that has been revoked may not apply for a certificate and rating under this subpart for one year after it is revoked, unless the order of revocation provides otherwise.

**145.111 Duration of Certificate.**

(a) A parachute loft certificate is effective until it is surrendered, suspended, or revoked. However, the Administrator may cancel such a certificate at any time within 60 days after the date it is issued.

(b) The holder of a parachute loft certificate that is surrendered, suspended, or revoked, shall upon the Administrator's request return it to the Administrator.

**145.113 Cooperation during inspection or test.**

Upon the Administrator's request, each applicant for a parachute loft certificate must, and each holder of such a certificate shall, cooperate fully during any inspection or test of him, or his personnel, facilities, equipment, and records by the Administrator.

**145.115 Persons authorized to maintain or alter parachutes.**

(a) Only the following persons may maintain or alter a parachute:

(1) Any person authorized by Part 65 of this chapter.

(2) A certificated parachute loft with an appropriate rating.

(3) The manufacturer.

(4) Any other manufacturer that the Administrator considers to be competent.

(b) Each person who maintains or alters a parachute (except the main parachute of a dual parachute pack used for intentional jumping) must perform that maintenance or make that alteration in accordance with approved manuals and specifications.

**145.117 Ratings.**

(a) The following ratings are issued under this Subpart:

(1) Packing and general maintenance (not including major repair, inspection, or overhaul).

(2) Canopy overhaul.

(3) Harness overhaul.

(4) Metal parts and container overhaul.

(5) Drop testing.

(b) A parachute loft rating record is attached to each certificate issued under this Subpart. It contains the names of the rating issued to the holder of the certificate.

**145.119 Eligibility requirements: General.**

To be eligible for a parachute loft certificate and associated ratings, or for an additional rating, an applicant must:

(a) Have personnel who are certificated and appropriately rated under Part 65 of this chapter and who are qualified to perform or supervise the kind of work for which the applicant seeks a rating; and

(b) Have the facilities, equipment, and material necessary to do efficiently the kind of work for which he seeks a rating, including suitable housing that is adequately heated, lighted, and ventilated, an adequate inspection system, adequate drawing equipment, and ade-

quate facilities for segregating and storing parts and materials.

**145.121 Reports and records.**

(a) Each holder of a parachute loft certificate shall make an adequate record of all work done by him, including the names of the persons doing the work. He shall keep each record made for at least two years after the work is done.

(b) Each holder of a parachute loft certificate shall report, on a form prescribed by the Administrator, any recurring or serious defect or other unworthy conditions that he finds in a parachute or a part thereof.

**145.123 Maintenance of personnel, facilities, equipment, and material.**

Each holder of a parachute loft certificate shall maintain personnel, facilities, equipment, and material at least equal to that currently required by § 145.119 for the issue of the certificate and ratings he holds.

**145.125 Maintenance and alteration standards.**

Each holder of a parachute loft certificate shall perform maintenance and alteration operations in a workmanlike manner so as to maintain the article worked on in, or restore it to, an airworthy condition.

**145.127 Material standards.**

Each holder of a parachute loft certificate shall use materials of proper strength and quality for the maintenance or alteration operation being performed.

**145.129 Drop Testing.**

(a) Only the following may drop test a parachute:

(1) The manufacturer.

(2) Any other manufacturer that the Administrator considers to be competent.

(3) A certificated parachute loft with a drop testing rating.

(b) Each holder of a parachute loft certificate shall drop test such parachute on which he has performed a major repair or alteration on a canopy, harness, container, accessory, or any combination of them, whenever the certificated master parachute rigger who inspected it considers that the repair or alteration may have affected the structural, functional, or other airworthiness characteristic of the article.

(c) Whenever it is necessary to determine the functional characteristics of an entire parachute assembly, the loft shall drop test it with a 150 pound dummy man (not including the weight of the parachute) at an indicated airspeed of 70 miles an hour and at an altitude of at least 50 feet above the ground.

(d) Whenever it is necessary to determine the material strength values in an entire parachute assembly, or the material airworthiness of the entire assembly before maintenance, the loft shall drop test it with a 190 pound dummy man (not including the weight of the parachute) at an indicated airspeed of 120 miles an hour and an altitude of at least 500 feet above the ground.

## 145.131 Display of certificate.

Each holder of a parachute loft certificate and rating shall display them in a prominent place in the parachute loft.

## 145.133 Change of location.

The holder of a parachute loft certificate may not make any change in the loft's location unless the change is approved, in writing, in advance. If the holder desires to change the location he shall mail the request to the Regional Director of the region in which the loft is located.

## EXPLANATION

The insertion of the terms "preventive maintenance" and "aircraft engines" in the applicability section of Part 145 (§ 145.1) is proposed in order to make that Part consistent with other maintenance regulations.

In addition, this proposal deletes Part 149 "Parachute Lofts", and transfers the requirements therein to a new Subpart E in Part 145. This transfer is made in recognition of the fact that Part 145, since it covers certification and operating rules for repair stations performing maintenance and alteration of aircraft and related equipment, is well suited to the incorporation of the current provisions of Part 149. It should be noted that no substantive change to those provisions would be made under this proposal.

## REF.

Proposal No. 858; § 145.1 and Part 149.

63. By revising § 145.17(b) to read as follows:

## § 145.17 Duration of certificate.

(b) A foreign repair station certificate or rating expires at the end of 12 months after the date on which it was issued, unless it is sooner revoked. However, if the station continues to comply with § 145.71 and applies, its certificate may be renewed for 24 months.

## EXPLANATION

The FAA has determined that a two year period is a more reasonable time frame for foreign repair station certificate renewal. The FAA believes that there will be no derogation of safety as adequate surveillance is accomplished by the FAA and foreign authorities.

## REF.

Proposal No. 864; § 145.17.

## § 145.59 [Amended]

64. By adding to the last sentence of § 145.59(a) the words "with respect to the work performed."

## EXPLANATION

The language in the current rule is worded so that the inference is easily drawn that any work on an article by the repair station makes the station responsible for the airworthiness of the article. The proposed amendment is intended to clarify the rule so as to make the repair station responsible only for the work it performs.

## REF.

Proposal No. 885; § 145.59(a).

## PART 147—AVIATION MAINTENANCE TECHNICIAN SCHOOLS

65. By redesignating § 147.31(c) (2) as (3), adding a new § 147.31(c) (2) and by revising § 147.31(c) (1) to read as follows:

§ 147.31 Attendance and enrollment, tests, and credit for prior instruction or experience.

(c) \* \* \*

(1) A school may credit a student with instruction satisfactorily completed at an:

(i) Accredited university, college, junior college, or accredited vocational, technical, trade or high school, or military technical school; or

(ii) At an aviation maintenance technician school, prior to or after its accreditation.

(2) A school may determine the amount of credit to be allowed:

(i) By an entrance exam equal to one given to students who complete a comparable required curriculum subject at the crediting school; or

(ii) By an evaluation of an authenticated transcript from the student's former school; or

(iii) In the case of an applicant from a military technical school, only on the basis of an entrance test.

## EXPLANATION

At the time this rule was developed it was believed that the restriction to "State-owned" vocational or trade schools would assure compliance with minimum standards. The FAA now believes that the restriction is no longer necessary or desirable. There are numerous cities, counties and private groups who have established vocational, trade and technical schools which meet the requisite standards. The proposed change removes the "State-owned" school restriction.

## REF.

Proposal No. 897; § 147.(c) (1).

## PART 149 [RESERVED]

66. By deleting and reserving Part 149.

## EXPLANATION

See explanation to Proposal No. 858; § 149.1.

## REF.

Proposal No. 858; § 145.1.

## APPENDIX I—PROPOSALS DEFERRED

The following proposals are being deferred for one or more of the following reasons:

1. Based upon careful evaluation, it was determined that the proposal required further study.

2. The proposal is more appropriately considered in conjunction with one or more of the proposals considered at the Operations Review Conference which will be dealt with in a later notice.

3. Several proposals are being considered under a separate review concerning Part 135 and will be addressed through that review

(Those proposals are marked with an asterisk).

The deferral of these proposals does not foreclose the FAA from taking separate rule-making action on the deferred proposals should a need for such action arise and does not commit the FAA to any future course of action.

Proposal no.	14 CFR	Proponent
35	43.11	FAA
58	Pt. 43, app. D	E. C. Watson, Jr.
61	do	FAA
139	65.111	Sam J. Corso.
140	65.113	Do.
141	65.115	Do.
142	65.117	Do.
143	65.119	Do.
144	65.121	Do.
145	65.123	Do.
146	65.125	Do.
199	91.29	Aircraft Owners & Pilots Association.
273	91.45	FAA.
280	91.169	FAA.
331	91.217	Air Transport Association.
332	91.217	FAA.
338	Pt. 91, app. B	Air Transport Association.
438	121.311	FAA.
530	121.433a	FAA.
627	121.659	FAA.
628	121.661	FAA.
691	127.141	United Kingdom Civil Aviation Authority.
722	135.27	Sam J. Corso.
* 735	135.43	National Air Transport Association.
* 741	135.57	FAA.
761	135.83	FAA.
* 779	135.111	National Air Transport Association.
* 780	135.114	Do.
* 786	135.127	Do.
* 819	135.167	FAA.
820	Pt. 135, app. A	de Havilland, Canada.
879	145.51	FAA.

## APPENDIX II—PROPOSALS WITHDRAWN BY PROPONENT

The proposals listed below were withdrawn by their proponent during or after the conference held on December 1-5, 1975. The withdrawal of FAA proposals does not commit the FAA to any future course of action.

Proposal no.	14 CFR	Proponent
88	63, app. B	FAA
147	65, app. A	FAA
196	91.27	FAA
206	91.33	FAA
339	105.1	FAA
370	121.59	FAA
384	121.155	FAA
605	121.599	FAA
637	121.693	FAA
675	123.27	FAA
677	123, subpt. D	FAA

## APPENDIX III—PROPOSALS REMOVED FROM CONSIDERATION DURING THE FIRST BIENNIAL OPERATIONS REVIEW

The following proposals are removed from consideration:

Proposal no.	14 CFR	Proponent
711	135.1	Air Taxi & Commercial Pilots Association.
818	135.165	National Air Transportation Association.
888	145.103	Sun Chemical Corp.

(1) Proposal No. 711—This proposal would have provided a maximum of 30 days during which an operator could conduct emergency mail service without complying with Part 135. Under current regulations there is no limit on the duration of emergency mail service, nor its consequent exception from the requirements of Part 135.

This proposal has been removed from the Operations Review because it would contravene the policy of the U.S. Postal Service with respect to emergency mail service conducted under sec. 405(h) of the Federal Aviation Act of 1958. This policy is designed to insure the Postal Service that during emergency situations it will have the flexibility to exercise alternate options when Part 121 or Part 135 certificate holders are not available to provide mail service. Amend-

ment 135-14 (effective January 6, 1970; 35 FR 161), which adopted the current exception in Part 135, was based upon the Postal Service policy. Consequently, no purpose would have been served by placing Proposal No. 711 on the conference agenda, nor by discussing it in a notice of proposed rulemaking.

(2) Proposal No. 818—The substance of this proposal is contained in a current regulatory action (NPRM 75-10, 40 FR 10824). Therefore, it is removed from consideration within the Operations Review.

(3) Proposal No. 888—This proposal would have added an alteration provision to § 145.103. The proponent stated, "A manufacturer is authorized to alter its products, however, the current rule does not specifically state this." That authorization is stated in

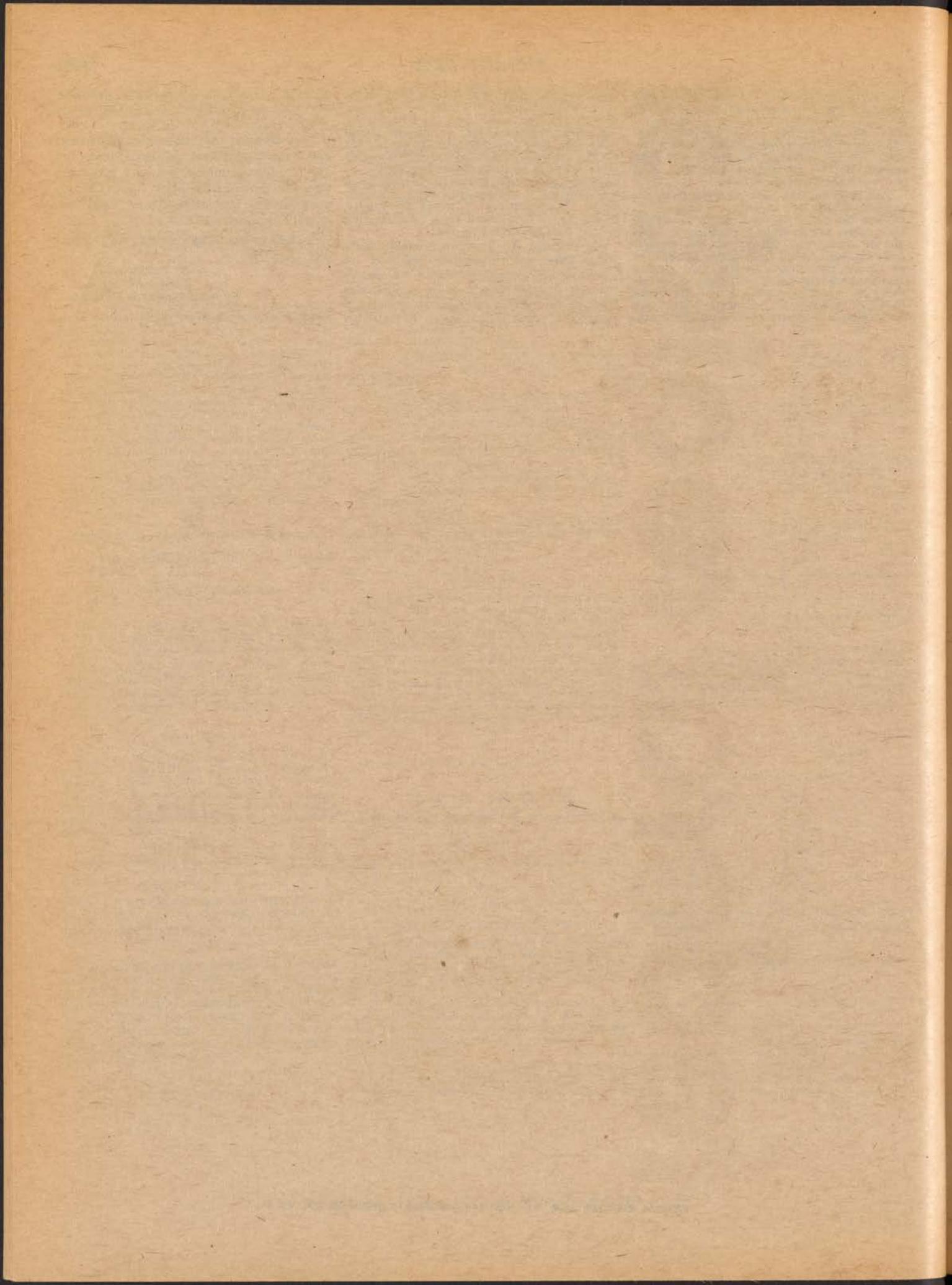
§ 43.3(1) of the Federal Aviation Regulations. It would be redundant and inappropriate to restate it in Part 145.

The Federal Aviation 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.

Issued in Washington, D.C. on December 16, 1976.

J. A. FERRARESE,  
*Acting Director,*  
*Flight Standards Service.*

[FR Doc.76-37754 Filed 12-23-76;8:45 am]



**federal register**

**MONDAY, DECEMBER 27, 1976**

**PART IV**



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**CONSUMER  
PRODUCT SAFETY  
COMMISSION**



**FLAMMABLE FABRICS  
ACT REGULATIONS**

**Proposed Exemption From Preemption**

## CONSUMER PRODUCT SAFETY COMMISSION

[ 16 CFR Part 1605 ]

### FLAMMABLE FABRICS ACT REGULATIONS

#### Proposed Exemption From Preemption

In this notice the Consumer Product Safety Commission proposes a rule granting the State of California an exemption from preemption under section 16(c) of the Flammable Fabrics Act (FFA) (15 U.S.C. 1203(c)) for children's clothing flammability regulations adopted by the State Fire Marshal. In this notice the Consumer Product Safety Commission also solicits written comments concerning the proposal and provides interested persons an opportunity for the oral presentation of views concerning the proposal.

#### BACKGROUND

Section 17(b) of the Consumer Product Safety Commission Improvements Act (Pub. L. 94-284), which became effective on May 11, 1976, amended section 16 of the FFA to provide, with specified exceptions, that whenever a Federal flammability standard or other regulation for a fabric, product, or related material is in effect, no State or political subdivision may establish or continue in effect a flammability standard or other regulation for such item designed to protect against the same risk of occurrence of fire, unless it is identical to the Federal standard or regulation.

Section 17(b) of Pub. L. 94-284 permits the Commission, upon application by a State or local government, to grant an exemption from the preemption provision if: (1) Compliance with the State or local flammability requirement would not cause the fabric, product, or related material to be in violation of the Federal requirement, (2) the State or local flammability requirement provides a significantly higher degree of protection than the Federal requirement, and (3) the State or local requirement would not unduly burden interstate commerce. Section 17(b) of Pub. L. 94-284 enumerates the findings that the Commission is required to make with respect to the State or local requirement to determine the burden on interstate commerce. An exemption may be granted only after the Commission has provided public notification of the proposed exemption and has afforded interested persons an opportunity to present oral and written comments.

The California State Fire Marshal, in a communication dated October 25, 1976, requested the Commission to grant an exemption from preemption under the Flammable Fabrics Act for regulations regarding the flammability of children's clothing. This request was made in accordance with the Commission's proposed and interim procedures for submitting and considering applications for exemption from preemption by flammability standards in effect under the Flammable Fabrics Act. The pro-

posed and interim procedures were published in the FEDERAL REGISTER July 29, 1976 (41 FR 31569). The California request is being considered under these procedures.

The proposed and interim procedures at § 1604.9 provide that if an application for exemption contains the information required by the procedures to qualify for proposal, the Commission shall propose the exemption in the FEDERAL REGISTER and provide the opportunity for written and oral presentation of views. It has been determined that the request of the California State Fire Marshal meets the requirements contained in the procedures and therefore the Commission is proposing the exemption requested by California.

At the present time the Consumer Product Safety Commission has in effect three flammability standards applicable to wearing apparel: Commercial Standard 191-53 (16 CFR 1610), which applies to general wearing apparel; FF 3-71 (16 CFR 1615) which applies to children's sleepwear in sizes 0 through 6x; and FF 5-74 (16 CFR 1616), which applies to children's sleepwear in sizes 7 through 14. The two flammability standards for children's sleepwear are more stringent than CS 191-53.

The California State Fire Marshal requests an exemption from preemption by CS 191-53 for the California children's clothing flammability regulations [Regulations of the State Fire Marshal, Title 19, Subchapter 5, Flammability Standards for Children's Clothing (July 1, 1974)]. He believes CS 191-53 covers the same items as the California regulations and is designed to protect against the same risk of occurrence of fire as the California regulations. He states that the Federal standard is not identical to the state regulations since the Federal standard does not require items of children's clothing meeting only the criteria of acceptance in CS 191-53 to bear cautionary labeling, when sold or offered for sale on or after July 1, 1977. In addition, CS 191-53 is not identical to the state regulation since it does not require items of children's clothing sold or offered for sale on or after July 1, 1979 to meet the criteria of acceptance stipulated in the Federal flammability standards for children's sleepwear (or any other standard approved by the State Fire Marshal.)

#### CALIFORNIA REQUEST

1. *California Flammability Regulations for Children's Clothing.* The California request for an exemption from preemption concerns regulations of the State Fire Marshal for the flammability of children's clothing which were issued on July 1, 1974. These regulations include the following requirements:

(a) On or after July 1, 1975 no item of children's clothing shall be sold or offered for sale unless such item has been tested and conforms to the criteria of acceptance specified in any one of the following standards: (1) Federal standard FF 3-71, children's sleepwear, sizes 0 through 6x, as published in the FEDERAL

REGISTER July 21, 1972, (ii) Federal standard FF 5-74, children's sleepwear, sizes 7 through 14, as published in the FEDERAL REGISTER May 1, 1974, (iii) any other standard approved by the State Fire Marshal which will provide a level of flame resistance substantially equivalent to the above children's sleepwear standards, or (iv) Commercial Standard CS 191-53 (Class 1 or Class 2), standard for the flammability of clothing textiles.

(b) On or after July 1, 1976, no item of children's clothing which is flame retardant in accordance with the provisions of FF 3-71, FF 5-74, or any other standard approved by the State Fire Marshal shall be sold or offered for sale unless such item is labeled as being flame resistant in accordance with such standard.

(c) On or after July 1, 1977, no item of children's clothing which is not flame retardant and meets only the criteria of acceptance stipulated in CS 191-53 shall be sold or offered for sale unless such item bears cautionary labeling, as provided in the regulations.

(d) On or after July 1, 1979, no item of children's clothing shall be sold or offered for sale unless such item is flame retardant and meets the criteria of acceptance stipulated in DOC FF 3-71, DOC FF 5-74, or any other standard approved by the State Fire Marshal.

The State Fire Marshal submitted a copy of the California flammability regulations with the exemption application. A copy is available for review in the Office of the Secretary of the Commission, Third Floor, 1111 18th Street, N.W., Washington, D.C. 20207.

2. *Requested Exemption.* The California State Fire Marshal submitted to the Commission a memorandum in support of the exemption request. He also included comments received in 1974 by the State Fire Marshal prior to adoption of the state regulations. These comments are from trade associations, manufacturers, distributors, retailers, doctors, and consumers. The comments concern the need for, and impact and scope of the California regulations. Although the comments are too voluminous to be duplicated in this notice, the comments are available for inspection in the Office of the Secretary of the Commission, Third Floor, 1111 18th Street, N.W., Washington, D.C. 20207. Also available in that office are exhibits referred to in the memorandum.

The Memorandum from the California State Fire Marshal provides information, required by § 1604.7 of the Commission's Proposed and Interim Regulations regarding Applications for Exemption from Preemption under the Flammable Fabrics Act (41 FR 31569, July 29, 1976). The text of the memorandum is as follows:

"REQUEST FOR EXEMPTION FROM PREEMPTION RELATIVE TO PUBLIC LAW 94-284 FLAMMABLE FABRICS ACT

BY CALIFORNIA STATE FIRE MARSHAL  
OCTOBER 25, 1976

(a) Attached are copies of the State Legislation upon which the State Fire Marshal adopted regulations in the field

of children's clothing flammability, copies of the regulations as filed with the Secretary of State (see Exhibit A), and both pro and con written comments and arguments as submitted to this department for review prior to adoption. (See Exhibit B).

(b) The regulations adopted by this department impose a more restrictive criteria of flammability than the federal standards. However, at this time only a greater degree of labeling is required. Ultimately total conformance with federal sleepwear standards will be mandated for all children's clothing. Therefore, any product meeting the provisions of this standard will more than comply with federal mandates and, as such, there is no violation of federal standards.

(c) State regulations require that beginning July 1, 1977, all ordinary articles of children's clothing (sleepwear excluded) which are not flame resistant must be provided with a warning label to inform the public of their flammability. Whether or not this provides a "significantly higher degree of protection" than existing federal standards is a matter of conjecture, but it is believed that an informed public will have a direct effect upon the overall safety achieved.

The provisions which become operative on July 1, 1979, will require the same degree of protection in regard to all children's clothing as now mandated for sleepwear only. It is self-evident that if the degree of protection is significantly higher for children's sleepwear through the application of DOC FF-3 and DOC FF-5 over the former requirements of only CS 191-53, this same degree of protection is achieved through the enforcement of the DOC requirements to all children's clothing.

(1) Most articles of children's clothing are flammable enough to present a threat of serious injury or death if ignited.

(2) The California State standard first requires warning labels in flammable articles (July 1, 1977) and then requires a much higher level of safety by demanding flame resistant fabrics starting July 1, 1979. The delay in imposing these requirements is to permit the industry enough time to develop and implement necessary manufacturing processes.

(3) The current Federal standard permits flammable fabrics in all clothing other than children's sleepwear, and requires no warning labels in flammable articles. The California requirements mandate warning labels initially and ultimately total application of flame-resistant standards to all children's clothing.

(4) The State test method is, until July 1, 1979, the same as the current federal method (CS 191-53). After that date, the state test method becomes the same as for children's sleepwear.

(5) See (4), supra.

(6) Since the flame-resistant standards are not yet in effect, no data relative to the results of their implementation is available except that it is projected that the overall results should equate on a

ratio or percentage basis to the effectiveness of the current standards for children's sleepwear.

(7) See (6), supra.

(d) Although not yet implemented, it is evident that the application of the California State requirements may have an effect on interstate commerce. The question becomes whether or not this burden is undue when considered against the benefit to public health and safety. It is submitted that since it has already been found that the benefit outweighs the burden in regard to children's sleepwear, the same analogy can and should be drawn in regard to other articles of children's clothing.

It may be that the life loss and injury fire rate for sleepwear had been excessive in comparison to other types of clothing fires and thus the need for sleepwear standards. However, now that this loss and injury rate is being reduced to a point of negligibility, our large losses in new clothing fires must be in clothing other than sleepwear. We should do everything reasonably possible to reduce the total losses and this can be accomplished through the use of already technologically developed and implemented practices.

(1) Not only does the technology exist, but affected persons have stated their ability to comply within the time frames mandated by the state regulation (see material and statements submitted via item "a" of this report).

(2) There is reason to believe that some fabrics could no longer be made available in the California market since they simply do not comply with the adopted standards at this time. Whether this would be a permanent situation is unknown and would appear to be a matter which might be resolved through future advanced technology. Statements submitted at public hearings indicate industry could meet the technological needs if given sufficient time. It was as a result of this input that a four-step implementation concept to achieve total conformance by July 1, 1979, was instituted.

(3) The overall cost effect of the California provisions is unknown to this department, but, again, could be equated to the cost effect associated with children's sleepwear; i.e., cost per garment for treatment plus those fabrics no longer available in children's sleepwear due to the sleepwear standards.

(4) Information on the present geographic distribution is not specifically available, but based upon population indexes, California regulations would apply to approximately 10 percent of the national product.

(5) No information is available as to probability of other states seeking a similar exemption.

(6) There is the basic question as to whether or not there is a need for a national uniform flammability standard or other regulation under the Flammable Fabrics Act for these products. The State of California's contention that there is a very definite need, and the need is for a much stricter standard. It is for

exactly this reason that California has established state standards following considerable input by the general public. In the opinion of this office the solution is for the federal government to establish meaningful safety standards not only for all articles of children's clothing, but for all general wearing apparel.

(e) Attached is a list of interested parties in this matter. (See Exhibit C). Inasmuch as industry must begin "gearing-up" for the labeling aspects in the very near future to meet the July 1, 1977, deadline of state regulations, your earliest review and decision in this matter will be appreciated."

#### PROPOSAL

Pursuant to § 1604.9 of the interim rules (41 CFR 31572) and provisions of the Flammable Fabrics Act (section 16 (c), 81 Stat. 574, as amended 90 Stat. 512-513; 15 U.S.C. 1203(c)) and under authority vested in the Commission by the Consumer Product Safety Act (sec. 30(b), Pub. L. 92-573, 86 Stat. 1231; 15 U.S.C. 2079(b)), the Commission proposes the following new Part 1605 of Title 16, Chapter II, Subchapter D:

#### PART 1605—EXEMPTIONS FROM PREEMPTION UNDER THE FLAMMABLE FABRICS ACT

Sec.

1605.1 State of California regulations for flammability of children's clothing.

AUTHORITY: Sec. 16(c), Stat. 574, as amended 90 Stat. 512-53; (15 U.S.C. 1203 (c)).

#### § 1605.1 State of California regulations for the flammability of children's clothing.

The Consumer Product Safety Commission grants an exemption from preemption by Commercial Standard CS 191-53 (16 CFR Part 1610), a standard under the Flammable Fabrics Act, for the State of California Flammability Standards for Children's Clothing (Regulations of the State Fire Marshal, Title 19, Subchapter 5, Flammability Standards for Children's Clothing (July 1, 1974)).

#### INVITATION FOR ORAL AND WRITTEN COMMENTS

The Commission invites interested persons to submit written comments and to request the opportunity for an oral presentation of views concerning the proposed exemption from preemption.

The Commission emphasizes that the decision to propose this exemption from preemption does not indicate that the Commission has reached any conclusion concerning the merits of the application. The California State Fire Marshal believes that the state regulations requiring cautionary labeling on certain items of children's clothing will be preempted on their effective date, July 1, 1977. The Commission will attempt to reach a decision on the application prior to this date. In order to assist the Commission in reaching a decision on the merits of the application and in considering the findings provided in section 16(c) of the

Flammable Fabrics Act, as amended, the Commission encourages interested persons to submit comments concerning this proposal. The Commission is especially interested in receiving comments that address the following issues:

1. Whether the California regulations concerning the flammability of children's clothing would provide a significantly higher degree of protection from the risk of occurrence of fire with respect to which the federal standard, CS 191-53, is in effect.

2. Whether the California regulations concerning the flammability of children's clothing would unduly burden interstate commerce, specifically,

(a) Whether it is technologically feasible to comply with the California regulations.

(b) Whether it is economically feasible to comply with the California regulations.

(c) Whether the cost of complying with the California regulations would unduly burden interstate commerce.

(d) The present geographic distribution of the items to which the California regulations would apply, and projections of future geographic distribution.

(e) The probability that other States or local governments will apply for an exemption for a similar flammability standard or other regulation.

(f) Whether there are any particular circumstances affecting the State of California that make it necessary for California to establish its regulations.

3. Whether action by the Commission on the exemption request could have a significant effect on the environment. (At the present time, the Commission has no information indicating that any Commission action on this matter would have such an effect.)

Interested persons are invited to submit, on or before February 25, 1977, written comments regarding this proposal. Interested persons may also request, on or before January 11, 1977, an opportunity for the oral presentation of views concerning the proposed exemption. The Commission believes it may be beneficial to schedule an oral presentation in California and in Washington, D.C., if oral presentations are requested in these locations. If oral presentations are requested, the Commission will publish in the FEDERAL REGISTER advance notice of the time, place, and date of the presentations. At that time the Commission will also describe procedures to be

followed at the oral presentations, and will again offer any interested person an opportunity to request time to make an oral presentation.

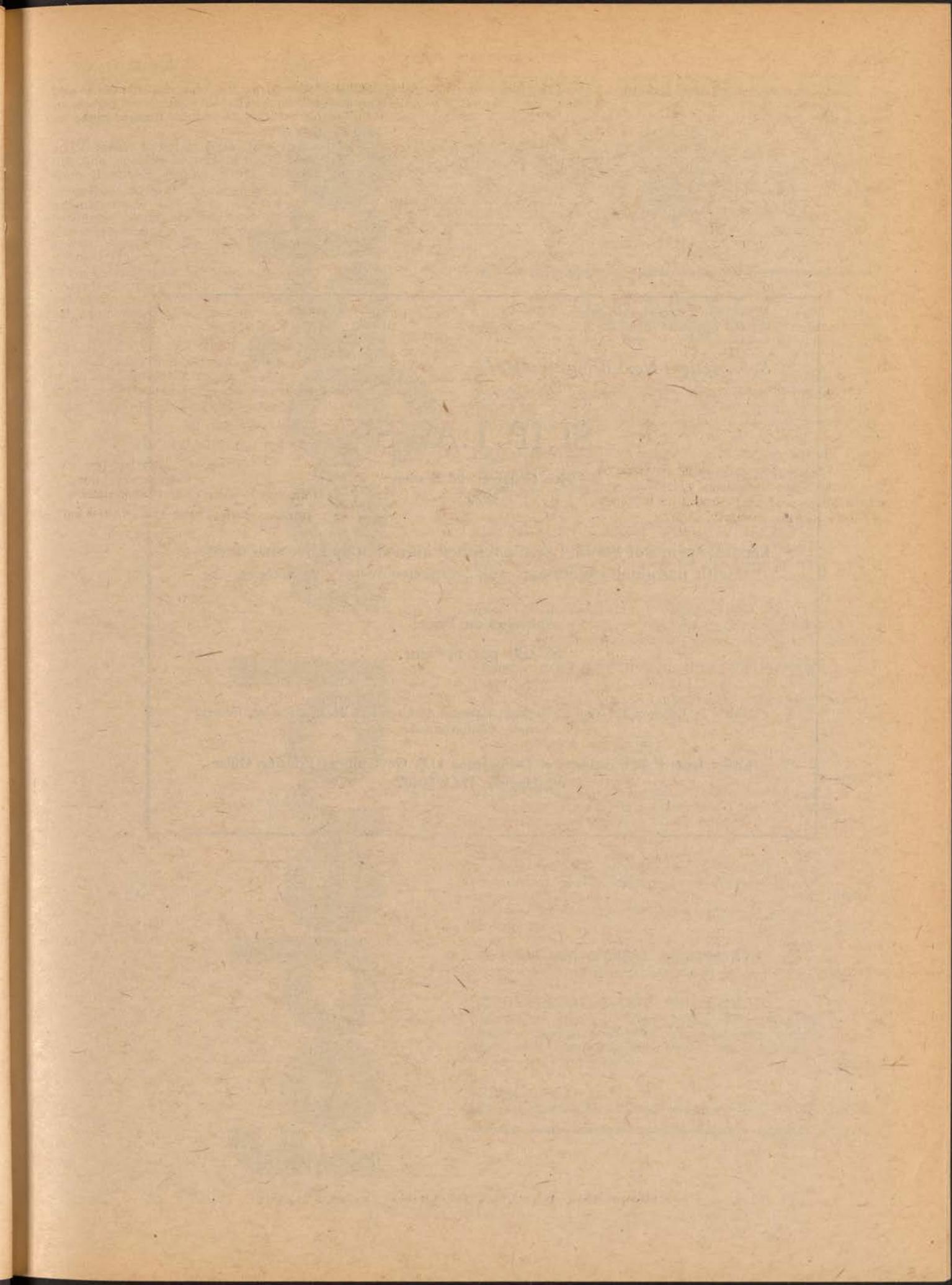
Any oral presentation of views will be open to all interested persons, and will take the form of an informal, non-adversary, legislative type proceeding.

Comments and any accompanying data or material should be submitted preferably in five copies, addressed to the Secretary, Consumer Product Safety Commission, 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, third floor, 1111 18th Street, NW., Washington, D.C., during working hours Monday through Friday. Requests to make an oral presentation should be submitted in writing to the same address, and should indicate if a California or Washington, D.C., location is requested.

Dated: December 21, 1976.

SHELDON D. BUTTS,  
Acting Secretary,  
Consumer Product Safety Commission.

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