

# Federal Register

THURSDAY, MARCH 17, 1977



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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
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/NHTSA	USDA/FNS		DOT/NHTSA	USDA/FNS
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DOT/OPSO	LABOR		DOT/OPSO	LABOR
	HEW/FDA			HEW/FDA

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

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

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

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## INFORMATION AND ASSISTANCE

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

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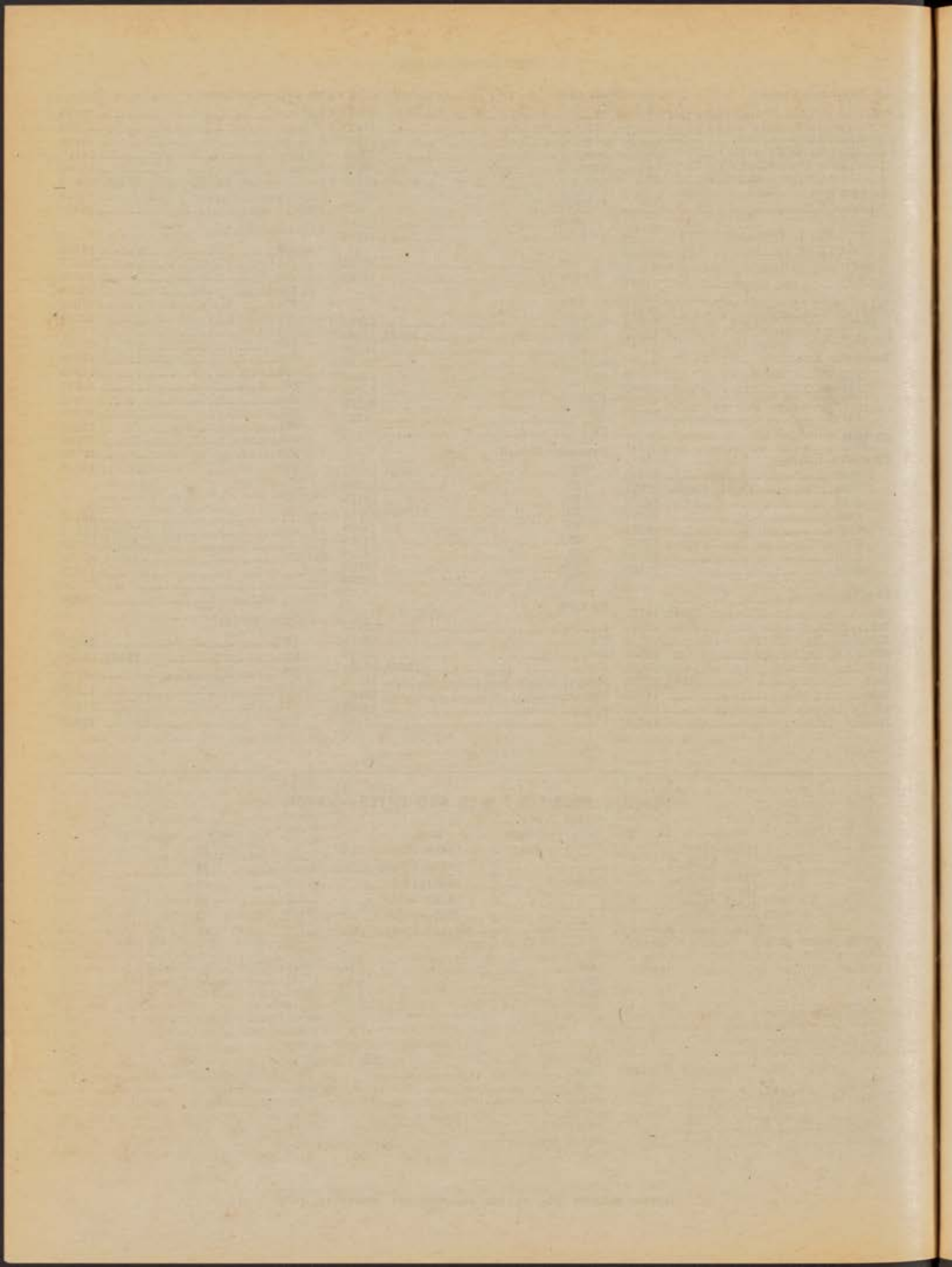
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# rules and regulations

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 I—General Provisions

### CHAPTER IV—MISCELLANEOUS AGENCIES (PRIVACY REGULATIONS)<sup>1</sup>

[No. MC 77-15]

#### PART 460—FEDERAL HOME LOAN MORTGAGE CORPORATION (GOVERNMENT IN THE SUNSHINE ACT REGULATIONS)

MARCH 10, 1977.

##### SUMMARY

The following summary of the amendments adopted by this Resolution is included for the reader's convenience and is subject to the full explanation in the preamble and to the specific provisions of the regulations.

I. *Previous regulation.* None.

II. *Proposed regulation.* Promulgation of rules regarding the Government in the Sunshine Act.

III. *Final regulation.* Substantially the same; restructuring and expansion of some provisions for purposes of clarification.

The Federal Home Loan Mortgage Corporation, by Resolution No. MC 77-5, dated January 13, 1977, proposed regulations regarding the Government in the Sunshine Act of 1976 (section 552b of Title 5 of the United States Code).

Notice of such proposed rulemaking was published in the FEDERAL REGISTER on January 27, 1977 (42 FR 5125-5126), with an invitation to interested persons to submit written comments by February 23, 1977. On the basis of all relevant material presented by interested persons and otherwise available, the Corporation hereby adopts the regulations as proposed with modifications of a clarifying nature. These include a restructuring and renumbering of certain sections, expansion of certain provisions to conform more closely to the language of the Act, provision for additional availability of public notices if deemed desirable, revision of the definition of "meeting" by deletion of the descriptive phrase "in collegio," and explicit inclusion of certain telephonic deliberations.

Accordingly, the Corporation hereby adopts a new Part 460 of Title I of the Code of Federal Regulations, effective March 12, 1977.

Sec.  
460.1 Introduction to part.  
460.1-1 Purpose and scope.  
460.1-2 Definitions.  
460.1-3 Open meetings.

<sup>1</sup>NOTE: This chapter currently includes regulations under the Freedom of Information Act and the Government in the Sunshine Act, as well as the Privacy Act of 1974, for certain miscellaneous agencies that are not likely to issue regulations appearing in other parts of the Code of Federal Regulations.

Sec.  
460.1-4 Exemptions.  
460.1-5 Closed meetings.  
460.1-6 Public announcement of meetings.  
460.1-7 Accommodation for public attendance at open meetings.

AUTHORITY: 12 U.S.C. 1452(b)(3) (1970).

##### § 460.1 Introduction to part.

The Federal Home Loan Mortgage Corporation is a corporate instrumentality of the United States created by the Federal Home Loan Mortgage Corporation Act (12 U.S.C. §§ 1451-1459). To the extent required by applicable law, and to the extent appropriate under section 303(b) of the FHLMA Act, the Corporation may publish documents in the FEDERAL REGISTER. The materials in this Part are presented in codified form for the sake of increasing their ready accessibility to the public.

##### § 460.1-1 Purpose and scope.

This Part is issued by the Federal Home Loan Mortgage Corporation ("The Corporation") consistently with the requirements of the Government in the Sunshine Act, section 552b of Title 5, United States Code.

##### § 460.1-2 Definitions.

(a) For purposes of this Part, the term "meeting" means any deliberations (including those conducted by conference telephone call) of two or more members of the Corporation's Board of Directors ("Directors"), the purpose or effect of which is to determine or result in joint conduct of official business of the Corporation.

##### § 460.1-3 Open meetings.

Except as provided in § 460.1-4 of this part, every portion of every meeting of the Directors shall be open to public observation. Directors shall not jointly conduct or dispose of Corporation business other than in accordance with this part.

##### § 460.1-4 Exemptions.

(a) The Directors may close a meeting or portion of a meeting, and withhold information pertaining to such meeting, where they determine that disclosure of information pertaining to such meeting or portion thereof is likely to:

(1) disclose matters that are (i) specifically authorized under criteria established by an Executive Order to be kept secret in the interests of national defense or foreign policy and (ii) in fact properly classified pursuant to such Executive Order;

(2) relate solely to the internal personnel rules and practices of the Corporation;

(3) disclose matters specifically exempted from disclosure by statute (other than 5 U.S.C. 552), provided that such statute (i) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (ii) establishes particular criteria for withholding or refers to particular types of matters to be withheld;

(4) disclose trade secrets or commercial or financial information obtained from a person and privileged or confidential;

(5) involve accusing any person of a crime, or formally censuring any person;

(6) disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

(7) disclose investigatory records compiled for law enforcement purposes, or information which if written would be contained in such records, but only to the extent that the production of such records or information would (i) interfere with enforcement proceedings, (ii) deprive a person of a right to a fair trial or an impartial adjudication, (iii) constitute an unwarranted invasion of personal privacy, (iv) disclose the identity of a confidential source or, in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source, (v) disclose investigative techniques and procedures, or (vi) endanger the life or physical safety of law enforcement personnel;

(8) disclose information contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of the Corporation or an agency responsible for the regulation or supervision of financial institutions;

(9) disclose information the premature disclosure of which would (i) be likely to (A) lead to significant financial speculation in currencies, securities, or commodities, or (B) significantly endanger the stability of any financial institution; or (ii) be likely to significantly frustrate implementation of a proposed Corporation action, except that subparagraph (iii) shall not apply in any instance where the Corporation has already disclosed to the public the content or nature of its proposed action, or where the Corporation is required by law to make such disclosure on its own initiative prior to taking final action on such proposal; or

(10) specifically concern the Corporation's participation in a civil action or proceeding, an action in a foreign court or international tribunal, or an arbitration, or the initiation, conduct, or dis-



position of a particular case involving a determination on the record after opportunity for a hearing.

(b) A meeting or portions of a meeting shall not be closed nor information withheld pursuant to paragraph (a) of this section if the Directors find that the public interest requires that the meeting or portion or portions of a meeting be open to public observation or that such information should not be withheld.

#### § 460.1-5 Closed meetings.

(a) *Meetings closed under expedited procedures.* (1) Since the Corporation qualifies for the use of expedited closing procedures under subsection 552b(d) (4) of the Act, meetings or portions thereof exempt under paragraphs (4), (8), (9) (ii), or (10) of subsection (c) of the Act (paragraphs (a) (4), (8), (9) (ii), or (10) of § 460.1-4) may be closed to public observation and information pertaining to such meeting or portions thereof may be withheld from public disclosure, under the expediting procedures of this paragraph, unless the Corporation determines that the public interest requires an open meeting.

(2) Where a meeting or portion thereof is to be closed under this paragraph (a), a public record shall be kept of the Directors' vote at the beginning of the meeting to close it or a portion thereof and any certification by the General Counsel (or in his absence or incapacity the senior legal officer of the Corporation available) that such closure is authorized by law, including a statement pertaining to the relevant exemptive provision or provisions of law. Such record shall be made available to the public at or through the Office of the Secretary of the Corporation.

(3) Public announcement of the time, place, and subject matter of meetings or portions thereof closed under this section (a) shall be made at the earliest practicable time.

(b) *Meetings closed under regular procedures.* (1) A meeting or portion thereof will be closed to public observation under regular procedures, or information pertaining to such meeting or portion of a meeting will be withheld, only by recorded vote of a majority of the Directors when it is determined that such meeting or portion or the withholding of such information qualifies for exemption under § 460.1-4(a) (1), (2), (3), (5), (6), (7) or (9) (ii) of this part. Votes by proxy are not allowed.

(2) Except as provided in paragraph (b) (3) of this section, a separate vote of the Directors will be taken with respect to the closing or the withholding of information as to each meeting or portion thereof which is proposed to be closed to public observation or with respect to which information is proposed to be withheld pursuant to this paragraph (b).

(3) A single vote may be taken with respect to a series of meetings, a portion or portions of which are proposed to be closed to public observation or with respect to any information concerning such series of meetings proposed to be withheld, so long as each meeting in such

series involves the same particular matters and is scheduled to be held no more than thirty days after the initial meeting in such series.

(4) Whenever any person's interests may be directly affected by a portion of a meeting for any of the reasons referred to in § 460.1-4 (a) (5), (6) or (7) of this part, such person may send a written request to the Secretary of the Corporation asking that such portion of the meeting be closed to public observation. The Secretary, or in his absence the Acting Secretary of the Corporation, will transmit the request to the Directors and upon the request of any one of them a recorded vote will be taken whether to close such meeting to public observation.

(5) Within one day of any vote taken pursuant to this paragraph (b), the Corporation will make publicly available at or through the Office of the Secretary a written copy of such vote reflecting the vote of each Director on the question. If a meeting or a portion of a meeting is to be closed to public observation, the Corporation, within one day of the vote taken pursuant to this paragraph (b), will make publicly available at or through the Office of the Secretary a full, written explanation of its action closing the meeting or portion of the meeting together with a list of all persons expected to attend the meeting and their affiliation, except to the extent such information is determined by the Corporation to be exempt from disclosure under § 460.1-4(a) of this part.

(c) *Recordkeeping.* (1) A complete transcript or recording shall be made and maintained of the proceedings at each meeting or portion thereof closed to the public under this Part, except that, where appropriate, minutes may be made and maintained in lieu of such transcript or recording with respect to meetings closed or information withheld under § 460.1-4(a) (8), (9) (i) or (10) of this part. Such minutes shall fully and clearly describe all matters discussed and provide a full and accurate summary of any action taken, and the reasons therefor, including a description of each of the views expressed on any item and the record of any rollcall vote (reflecting the vote of each Director on the question). All documents considered in connection with any action shall be identified in such minutes.

(2) Such transcript, electronic recording, or minutes of the discussion of any item on the agenda, or of any item of the testimony of any witness received at the meeting, shall be made promptly available to the public at or through the Office of the Secretary, except for such item or items of such discussion or testimony as the Corporation determines to contain information which may be withheld under § 460.1-4(a) of this part. Copies of such transcript or minutes or a transcription of such recording, disclosing the identity of each speaker, shall be furnished to any person at the actual cost of duplication or transcription. The Corporation shall maintain a complete verbatim copy of the transcript, a complete copy of the minutes, or a complete

electronic recording of each meeting, or portion of a meeting, closed to the public, for a period of at least two years after such meeting, or until one year after the conclusion of any Corporation proceeding with respect to which the meeting or portion thereof was held, whichever occurs later.

#### § 460.1-6 Public announcements of meetings.

(a) Except as otherwise provided in this section, public announcement of open meetings and meetings or portions thereof closed under § 460.1-5(b) of this part will be made at least one week in advance of each meeting. Except to the extent that such information is determined to be exempt from disclosure under § 460.1-4(a) of this part, each such public announcement will state the time, place, and subject matter of the meeting, whether it is to be open or closed to the public, and the name and telephone number of the official designated to respond to requests for information about the meeting. Each such announcement shall be posted in the main lobby of the Corporation's headquarters, and may be made available by other means or at other locations as may be deemed desirable by the Corporation. Immediately following each public announcement, the stated information shall also be submitted for publication in the FEDERAL REGISTER.

(b) Where a majority of the Directors determine by recorded vote that Corporation business requires that a meeting be called at any earlier date, the one-week prior-announcement rule shall be suspended and announcement shall be made at the earliest practicable time.

(c) Change of the time or place of a meeting following public announcement may be made only if announced at the earliest practicable time.

(d) Change of the subject matter of a meeting or redetermination to open or close a meeting or portions thereof may be made after public announcement only if a majority of the Directors determines by recorded vote that Corporation business so requires and no earlier announcement of the change was possible, and public announcement of such change and the vote of each member upon such change is made at the earliest practicable time.

#### § 460.1-7 Accommodation for public attendance at open meetings.

Unless otherwise specified, open meetings are held in Room 630 at 320 First Street, N.W., Washington, D.C. 20552, at the time and on the date specified in the advance public notice; such information is posted in the main lobby at such location. Interested members of the public may attend such meetings but may not participate therein unless invited or permitted to do so by the Corporation.

(12 U.S.C. 1452(b)(3), (1970).)

By the Board of Directors.

RONALD A. SNIDER,  
Assistant Secretary.

[FR Doc. 77-7758 Filed 3-16-77; 8:45 am]



Title 12—Banks and Banking  
CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. Z; FC-0050 and FC-0051]

PART 226—TRUTH IN LENDING

Official Staff Interpretations

In accordance with 12 CFR 226.1(d), the Board is publishing the following official staff interpretations of Regulation Z, issued by a duly authorized official of the Division of Consumer Affairs.

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

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

These interpretations shall be effective as of March 14, 1977.

[FC-0050]

§ 226.2(h) Where a loan broker contacts a lender on behalf of a borrower and receives a fee from the borrower, the loan broker is an arranger and a creditor; the broker fee is a prepaid finance charge and should be disclosed by the broker and/or lender in accordance with § 226.6(d).

§ 226.2(s) Where a loan broker contacts a lender on behalf of a borrower and receives a fee from the borrower, the loan broker is an arranger and a creditor; the broker fee is a prepaid finance charge and should be disclosed by the broker and/or lender in accordance with § 226.6(d).

§ 226.8(e)(1) Where a loan broker contacts a lender on behalf of a borrower and receives a fee from the borrower, the loan broker is an arranger and a creditor; the broker fee is a prepaid finance charge and should be disclosed by the broker and/or lender in accordance with § 226.6(d).

MARCH 2, 1977.

This is in response to your letter of \* \* \*, requesting a formal Board interpretation of § 226.4(a) of Regulation Z.

You pose the following factual situation:

An individual, known by the lender to be a loan broker and to receive fees in that capacity, contacts the lender on behalf of a borrower and arranges for the creditor to loan funds to the borrower. The amount borrowed, for example, is \$5,000 all of which is disbursed by the creditor directly to the borrower. Thereafter, the borrower pays the loan broker an agreed upon fee. The creditor-lender knows directly or indirectly of the agreement between the borrower and the loan broker, but the creditor-lender receives none of the loan fee and neither pays nor agrees to pay a brokerage fee to the loan

broker for or on behalf of the borrower or otherwise performs any act to effect or insure payment of the fee by the borrower to the loan broker.

You question whether the loan or broker fee is a charge to be included in determining the amount of the finance charge under § 226.4(a).

Staff considers the loan broker an "arranger for the extension of credit" as defined by § 226.2(h)(1), since the broker receives or will receive a fee, compensation, or other consideration for such service. Therefore, the broker is a creditor as defined by § 226.2(s) as "a person who in the ordinary course of business regularly extends or arranges for the extension of consumer credit \* \* \*". Staff is of the opinion that the broker fee should be included in determining the amount of the finance charge, since it is a charge paid by the customer, and imposed directly by the broker-creditor as an incident to or condition of the extension of credit.

Furthermore, staff views the broker fee as a prepaid finance charge as defined by § 226.8(e)(1). Footnote 12 to § 226.8(e)(1) indicates that such prepaid finance charges are to be included in determining the finance charge under § 226.4 and deducted from the loan proceeds in order to determine the "amount financed" in accordance with § 226.8(d)(1) and (2).

Since the loan broker and the lending institution are creditors in the credit transaction, the provisions of § 226.6(d) relating to multiple creditors apply. Under that provision, both creditors may join in making a single disclosure, in which case the broker fee must be reflected as a finance charge on the joint disclosure statement. Alternatively, separate disclosures may be prepared and the broker fee must then be reflected on the disclosure statement of the loan broker regardless of its disclosure by the lender. The loan brokerage fee, however, would need to be disclosed on the lender's disclosure statement if the amount of the brokerage fee is within the lender's knowledge and the purview of his relationship with the customer as prescribed by § 226.6(d).

The issues you have presented do not, in staff's view, meet the criteria for issuance of a formal Board interpretation, in that they do not involve potentially controversial issues of general applicability which concern substantial ambiguities in the Regulation and raise significant policy questions. Rather, the response to your questions will be issued as an official staff interpretation in accordance with § 226.1(d)(3) of the Regulation, since the issues presented require clarification of a technical ambiguity in the Regulation without significant policy implications. This official staff interpretation is limited solely to the facts and issues presented herein, and I trust that it is responsive to your inquiry.

Sincerely,

JERARD C. KLUCKMAN,  
Associate Director.

[FC-0051]

§ 226.7(g) Method of computing the APR is not a required disclosure.

Accruing finance charges on a loan where a daily rate is applied to the actual balance for the number of days the balance is outstanding does not involve prepayment penalty or late payment penalty if the payment is not made on the anticipated due date.

Stating that finance charges will be computed on the outstanding balance at the applicable APR for the actual time the balance remains unpaid is, in this situation, a permissible method of disclosing the method of computing the balance upon which fi-

nance charges will be computed for open end credit accounts.

MARCH 2, 1977.

Due to unforeseen and unavoidable difficulties, this is a belated response to your letter of \* \* \*, in which you asked questions regarding compliance with Regulation Z.

You state that your credit union charges interest on both open end and other than open end loans by applying a daily rate (i.e., the annual percentage rate divided by 365) to the outstanding balance for the actual number of days which that balance is outstanding. If a customer pays in advance of the anticipated due date, the only result is that interest is computed on the outstanding balance for the appropriate number of fewer days. If a customer pays later than the anticipated due date the only result is that the daily rate is applied to the outstanding balance for a longer number of days. No additional charge is imposed for prepayment or late payment, except that the rate is applied to the daily balance for the actual number of days.

You proposed to place the following language on your disclosure statements:

"The finance charge will be computed on the outstanding unpaid balance only at the annual percentage rate shown above for the actual time the balance remains unpaid. There shall be no other change in the finance charge for prepayment or late payment."

You ask whether the quoted language is an "adequate disclosure of the method of computation of the Annual Percentage Rate and of (the) method of computing the balance on which the interest will be computed and the method for computing the late payment and prepayment."

There is no requirement in Regulation Z that the method of computation of the annual percentage rate be disclosed. The only requirement with respect to disclosure of the annual percentage rate is that it be properly computed and disclosed as a numerical figure.

In staff's opinion, the situation that you describe does not involve the imposition of a prepayment or late payment penalty since, apparently, the only charge made is the imposition of the daily rate to the outstanding balance for the actual number of days that the balance is outstanding. Further, it is staff's view that a creditor need not supply a disclosure that there is no prepayment or late payment penalty. Consequently, staff believes that the last sentence of the quoted material, though arguably helpful to the customer, is unnecessary.

Staff believes that the first sentence of the quoted language is a permissible disclosure regarding the method of computing the balance upon which finance charges will be imposed. Staff would point out that this is a required disclosure only with respect to open end credit.

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

Sincerely,

JERARD C. KLUCKMAN,  
Associate Director.

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

THEODORE E. ALLISON,  
Secretary of the Board.

[FR Doc.77-7943 Filed 3-16-77;8:45 am]



**Title 36—Parks, Forests, and Public Property**

**CHAPTER VIII—ADVISORY COUNCIL ON HISTORIC PRESERVATION**

**PART 800—PROCEDURES FOR THE PROTECTION OF HISTORIC AND CULTURAL PROPERTIES**

**CFR Correction**

In 36 CFR revised as of July 1, 1976, on page 380, the last line of § 800.4(d) reading "tation process set forth in § 800.5", should read "tation, the Agency Official may proceed with the undertaking". As corrected, § 800.4(d) reads as set out below. A CFR correction appearing at 42 FR 12858, March 7, 1977, correcting paragraph (d) in § 800.4 Agency procedures, incorrectly referred to that section as § 800.5 Consultation process.

**§ 800.4 Agency procedures.**

(d) Finding of no adverse effect. Upon finding the effect not to be adverse, the Agency Official shall forward adequate documentation of the determination, including evidence of the views of the State Historic Preservation Officer, to the Executive Director for review. Unless the Executive Director notes an objection to the determination within 45 days after receipt of adequate documentation, the Agency Official may proceed with the undertaking.

**Title 13—Business Credit and Assistance**  
**CHAPTER III—ECONOMIC DEVELOPMENT ADMINISTRATION, DEPARTMENT OF COMMERCE**

**PART 309—GENERAL REQUIREMENTS FOR FINANCIAL ASSISTANCE**

**Grant Rate for Electric and Gas Facility Projects**

**AGENCY:** Economic Development Administration, Department of Commerce.  
**ACTION:** Final rule.

**SUMMARY:** This rule amends 13 CFR 309.4(c). It adds a new paragraph (1) which establishes the maximum grant rate for EDA assistance to electric and gas facility projects at fifty percent. The annual expenditure of funds for this type of project is restricted to seven million dollars. Because of this relatively low level of funding, a limitation on the maximum grant rate is necessary to insure an effective distribution of assistance.

**DATES:** Effective date: March 17, 1977.  
Comments by April 18, 1977.

**ADDRESSES:** Send comments to: Assistant Secretary for Economic Development, U.S. Department of Commerce, Room 7800B, Washington, D.C. 20230.

**SUPPLEMENTARY INFORMATION:** Because this rule relates to the EDA grant and loan program, it is exempted from the procedures described in section 553 of the Administrative Procedure Act (5 USC 553). However, in the spirit of public policy set forth in that Act, inter-

ested persons may submit written suggestions regarding this amendment to the above address.

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

Accordingly, EDA amends 13 CFR 309.4 (c) by adding to it a new paragraph (1) to read as follows:

**§ 309.4 Electric and gas facilities.**

(c) \* \* \*

(1) The grant rate for projects described in paragraphs (a) (2) and (b) (2) shall not exceed fifty (50) percent of eligible project costs.

(Sec. 701, Pub. L. 89-136, 79 Stat. 570 (42 U.S.C. 3121 et seq.); Department of Commerce Organization Order 10-4, 40 FR 56702)

Dated: March 8, 1977.

J. W. EDEN,  
Assistant Secretary  
for Economic Development.

[FR Doc.77-7875 Filed 3-16-77;8:45 am]

**Title 14—Aeronautics and Space**

**CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION**

[Airworthiness Docket No. 77-SW-12;  
Amdt. 39-2851]

**PART 39—AIRWORTHINESS DIRECTIVES**

**Mooney Aircraft Corp. Model M20J Airplanes**

There have been instances of excessive grease being found in the alternate static source valve of Mooney Model M20J airplanes that resulted in false altitude, vertical speed and airspeed indications being presented to the pilot. This creates a hazardous situation, especially under instrument flight rules. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require inspection of the alternate static source valve on all Mooney Model M20J airplanes.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

This amendment is made under the authority of sections 313(a), 601, 603 Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89) § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

**MOONEY AIRCRAFT CORPORATION.** Applies to Model M20J airplanes S/N 24-0001 through 24-0085, 24-0087, 24-0088, 24-

0090 through 24-0095, 24-0097 through 24-0102.

Compliance required before further flight in instrument meteorological conditions, or night flight, or within the next 5 hours' day visual flight rules time in service after the effective date of this AD, unless already accomplished.

To prevent false altitude, airspeed and vertical speed indications from being presented to the pilot, accomplish the following:

Disassemble, clean, lubricate, and reassemble the alternate static source valve, Gerdes P/N A-1390, and leak test the static system in accordance with Mooney Service Bulletin No. M20-197 dated February 28, 1977, or later approved revision.

The manufacturer's Service Bulletin identified and described in this directive is incorporated herein and made a part hereof pursuant to 5 U.S.C. 522(a)(1). All persons affected by this directive who have not already received this Service Bulletin from the manufacturer may obtain a copy upon request to Manager, Engineering Administration and Technical Services, Mooney Aircraft Corporation, Kerrville, Texas 78028; Telephone No. 512-257-4043.

This service bulletin may also be examined at the office of the Regional Counsel, Southwest Region, FAA, 4400 Blue Mound Road, Fort Worth, Texas and at FAA Headquarters, 800 Independence Avenue, S.W., Washington, D.C. A historical file on this AD, which includes the incorporated material in full, is maintained by the FAA at its headquarters in Washington, D.C., and at the Southwest Region Office in Fort Worth, Texas.

This amendment becomes effective March 18, 1977.

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

Issued in Fort Worth, Texas on March 7, 1977.

NOTE: The incorporation by reference provisions in this document were approved by the Director of the Federal Register on June 19, 1967.

HENRY L. NEWMAN,  
Director, Southwest Region.

[FR Doc.76-7802 Filed 3-16-77;8:45 am]

[Airspace Docket No. 76-GL-40]

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

**Designation of Transition Area**

On page 3180 of the FEDERAL REGISTER dated January 17, 1977, the Federal Aviation Administration published a notice of proposed rulemaking which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Caledonia, Minnesota.

Interested persons were given 30 days to submit written comments, suggestions or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.



This amendment shall be effective 0901 C.m.t., May 19, 1977.

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

Issued in Des Plaines, Illinois on March 3, 1977.

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

In § 71.181 (42 F.R. 440), the following transition area is added:

**CALEDONIA, MINNESOTA**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Houston County Airport (latitude 43°35'48" N. longitude 91°30'15" W.) and within 2 miles each side of the 184° radial of the Nodine VORTAC extending from the 5-mile radius area to 6 miles north of the airport, excluding that portion which overlies the La Crosse, Wisconsin, transition area.

[FR Doc. 77-7514 Filed 3-16-77; 8:45 am]

[Airspace Docket No. 77-WA-8]

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

**Alteration of Atlanta Terminal Control Area**

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter a portion of the Atlanta Terminal Control Area (TCA).

Runway profile descent procedures were instituted at the Atlanta Airport on February 24, 1977. Profile descent procedures are planned for many major airports in order to increase safety by reducing exposure time between controlled and uncontrolled aircraft at lower altitudes around airports, to reduce aircraft noise in the proximity of airports, and to conserve aviation fuel. Large turbine engine powered airplanes operating to or from a primary airport within a TCA must operate at or above the designated floors while within the lateral limits of the TCA. Optimum profile descent procedures at Atlanta now would require flight below the floor of two portions of the TCA. Temporary profile descent procedures at Atlanta currently require inbound turbojets to maintain 8,000 feet MSL until 20 miles from the Atlanta Airport. Optimum profile descent procedures would permit descent below 8,000 feet MSL when 25 miles from the Atlanta Airport. En route operations along the two Atlanta bypass airways will not be adversely affected. Accordingly, action is taken herein to lower the Atlanta TCA floor from 8,000 feet MSL to 6,000 feet MSL in 2 small portions in order to take advantage of the safety, less noise and fuel conservation features of optimum profile descent procedures.

In the near future a notice of proposed rulemaking will be issued that will address the 8,000 feet MSL to 12,500 feet

MSL portion of the Atlanta TCA, and will propose to raise/lower floors in other portions of the TCA.

Requests for copies of this rule should be addressed to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue SW., Washington, D.C. 20591. The FAA has determined that this document does not contain a major proposal requiring preparation of an Inflationary Impact Statement under Executive Order 11821 and OMB Circular A-107.

Since this amendment is a minor adjustment upon which the public would have no particular desire to comment, notice and public procedure thereon are unnecessary.

**§ 71.401 [Amended]**

In § 71.401(a) (41 FR 56789, 42 FR 642), the description of the Atlanta, Ga., Terminal Control Area is amended effective 0901 GMT, April 21, 1977, by adding the following to Area E:

That airspace southeast of Atlanta extending from 6,000 feet MSL to and including 8,000 feet MSL and bounded on the northwest by the 20 mile radius arc from the Atlanta Airport, on the southeast by 25 mile radius arc from the Atlanta Airport, on the northeast by the Norcross, Ga., VORTAC 166° radial, and on the southwest by the Atlanta, Ga., VORTAC 138° radial. That airspace southwest of Atlanta extending from 6,000 feet MSL to and including 8,000 feet MSL and bounded on the northeast by the 20 mile radius arc from the Atlanta Airport, on the southwest by the 25 mile radius arc from the Atlanta Airport, on the northwest by the La-Grange, Ga., VORTAC 031° radial, and on the southeast by the Atlanta VORTAC 218° radial.

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

Issued in Washington, D.C., on March 11, 1977.

WILLIAM E. BROADWATER,  
*Chief, Airspace and Air  
Traffic Rules Division.*

[FR Doc. 77-7860 Filed 3-16-77; 8:45 am]

[Airspace Docket No. 76-PC-3]

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

**Transition Area**

On January 21, 1977, a Notice of Proposed Rulemaking (NPRM) was published in the FEDERAL REGISTER (42 FR 3862) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a Kaanapali, Hawaii, transition area.

Interested persons were afforded an opportunity to participate in the pro-

posed rulemaking through the submission of comments. We received one response to the NPRM in which the commenter posed no objection to the proposal.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 GMT, April 14, 1977, as hereinafter set forth.

**§ 71.181 [Amended]**

In § 71.181 (42 FR 440) add:

**KAANAPALI, HAWAII**

That area extending upward from 700 feet above the surface within a 5 mile radius of Kaanapali Airport (Lat. 20°56'45" N., Long. 156°41'35" W.), within 3 miles each side of the Molokai VORTAC 114° T radial extending from the 5 mile radius to 7.5 miles northwest of the airport.

(Sec. 307(a) and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348(a), and 1510), Executive Order 10854 (24 FR 9565); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Washington, D.C., on March 11, 1977.

WILLIAM E. BROADWATER,  
*Chief, Airspace and Air  
Traffic Rules Division.*

[FR Doc. 77-7850 Filed 3-16-77; 8:45 am]

[Airspace Docket No. 76-GL-41]

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

**Designation of Transition Area**

On page 3180 of the FEDERAL REGISTER dated January 17, 1977, the Federal Aviation Administration published a Notice of Proposed Rule Making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Caro, Michigan.

Interested persons were given 30 days to submit written comments, suggestions or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.M.T. May 19, 1977.

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

Issued in Des Plaines, Illinois on March 3, 1977.

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

In § 71.181 (42 FR 440), the following transition area is added:

**CARO, MICHIGAN**

That airspace extending upward from 700 feet above the surface within a 6-mile radius



of the Caro Airport (latitude 43°27'45" N., longitude 83°26'30" W.).

[FR Doc.77-7866 Filed 3-16-77;8:45 am]

[Airspace Docket No. 77-WA-1]

### PART 73—SPECIAL USE AIRSPACE

#### Designation of Prohibited Area

##### Correction

In FR Doc. 77-6233, appearing on page 11826 in the issue for Tuesday, March 1, 1977, the third line under the paragraph headed "P-77 Plains, Ga." should read, "32°02'00" N., longitude 84°23'38" W.; to".

NOTE: This correction is republished without change from the issue of March 15, 1977.

[Docket Nos. 13582 and 14317; Amdt. 91-136]

### PART 91—GENERAL OPERATING AND FLIGHT RULES

#### Operating Noise Limits [NEW]

*Phased Compliance with Part 36 Noise Limits By Turbojets with Maximum Weights Greater than 75,000 Pounds*

**Preamble Clarification.** On December 23, 1976, the Federal Aviation Administration (FAA) published an amendment to Part 91 of the Federal Aviation Regulations (FARs) entitled "Phased Compliance with Part 36 Noise Limits by Turbojets with Maximum Weights Greater than 75,000 Pounds" (FR Doc. 76-37650; 41 FR 56046). Subsequent review of the preamble to that rule revealed that a clarification should be made regarding a discussion in that document of the noise reduction benefits reflected in the Environmental Impact Statement (EIS), issued in conjunction with the amendment. That discussion appeared in the last paragraph on page 56051.

The FAA believes that the discussion oversimplifies the nature and significance of the data contained in Table II-1 of the EIS. In particular, the absolute magnitude of the levels of noise reduction for certain aircraft under Part 36 certification conditions may be misunderstood. Accordingly, the last full sentence on page 56051, which begins, "With respect to takeoff noise \* \* \* is deleted and the following words substituted therefor:

The absolute magnitude of the reduction in effective perceived noise decibels (EPNdB) for the various affected aircraft is shown in Table II-1 of the EIS.

Since this action is clarifying in nature and does not affect the rule as adopted, notice and public procedure under 5 U.S.C. 553 are not required.

(Secs. 313(a), 601, 603, and 611, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, 1427, and 1431); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Title I, National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and E.O. 11514 March 5, 1970).

Issued in Washington, D.C., on March 10, 1977.

JOHN L. McLUCAS,  
Administrator.

[FR Doc.77-7861 Filed 3-16-77;8:45 am]

[Docket No. 16581; Amdt. No. 1064]

### PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

#### Recent Changes and Additions

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 8260-3, 8260-4, or 8260-5 and made a part of the public rulemaking dockets of the FAA in accordance with the procedures set forth in Amendment No. 97-696 (35 FR 5609).

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Information Center, AIS-230, 800 Independence Avenue SW., Washington, D.C. 20591 or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft, or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of \$150.00 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for \$30.00 each.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.23 is amended by originating, amending, or canceling the following VOR-VOR/DME SIAPs, effective May 5, 1977.

New Iberia, LA—Acadiana Regional Arpt., VOR Rwy 76, Amdt. 6  
New Iberia, LA—Acadiana Regional Arpt., VOR/DME Rwy 34, Amdt. 1  
Slidell, LA—Slidell Arpt., VOR/DME-A, Amdt. 1  
Helena, MT—Helena Arpt., VOR-A, Amdt. 12  
Helena, MT—Helena Arpt., VOR/DME-B, Amdt. 4  
Victoria, TX—Victoria Regional Arpt., VOR Rwy 12L, Amdt. 7

\* \* \* effective April 28, 1977

Auburn, AL—Auburn-Opelika Arpt., VOR Rwy 28, Amdt. 4  
Auburn, AL—Auburn-Opelika Arpt., VOR/DME-A, Amdt. 3

Destin, FL—Destin-Ft. Walton Beach, VOR-A, Amdt. 3  
Thomasville, GA—Thomasville Muni Arpt., VOR/DME Rwy 22, Orig.  
Aurora, IL—Aurora Municipal Arpt., VOR-A, Amdt. 6  
Aurora, IL—Aurora Municipal Arpt., VOR Rwy 36, Amdt. 1  
Monmouth, IL—Monmouth Municipal Arpt., VOR-A, Amdt. 3  
Rochelle, IL—Rochelle Municipal Arpt., VOR-A, Amdt. 3  
Coshocton, OH—Richard Downing Arpt., VOR-A, Amdt. 1  
Painesville, OH—Concord Airpark, VOR-A, Amdt. 6  
Port Clinton, OH—Carl R. Keller Field, VOR/DME-A, Amdt. 1  
Fond du Lac, WI—Fond du Lac County Arpt., VOR/DME Rwy 18, Amdt. 3  
Fond du Lac, WI—Fond du Lac County Arpt., VOR/DME Rwy 36, Amdt. 3

\* \* \* effective April 7, 1977

Idaho Falls, ID—Fanning Field, VOR Rwy 20, Amdt. 5

2. Section 97.25 is amended by originating, amending, or canceling the following SDF-LOC-LDA SIAPs, effective May 5, 1977.

New Iberia, LA—Acadiana Regional Arpt., LOC Rwy 34, Amdt. 1

\* \* \* effective April 28, 1977

Allentown, PA—Allentown - Bethlehem - Easton Arpt., LOC(BO) Rwy 24, Amdt. 14  
Fond du Lac, WI—Fond du Lac County Arpt., SDF Rwy 36, Amdt. 2

The FAA published Amendments in Docket No. 16549, Amdt No. 1061 to Part 97 of the Federal Aviation Regulation (42 FR 10845; February 24, 1977) under Section 97.25 effective April 7, 1977, which is hereby amended as follows:

Longview, TX—Gregg County, LOC/DME (BC) Rwy 31, Amdt. 6 is revoked.

3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAPs, effective May 5, 1977.

New Iberia, LA—Acadiana Regional Arpt., NDB Rwy 34, Amdt. 1

\* \* \* effective April 28, 1977

Middletown, DE—Summit Airpark, NDB-A, Amdt. 2  
Crawfordsville, IN—Crawfordsville Municipal Arpt., NDB Rwy 4, Amdt. 2  
Port Clinton, OH—Carl R. Keller Field, NDB Rwy 26, Amdt. 4  
Cambridge, MN—Cambridge Muni Arpt., NDB Rwy 34, Amdt. 1  
Roanoke Rapids, NC—Halifax County, NDB Rwy 5, Original  
Allentown, PA—Allentown - Bethlehem - Easton Arpt., NDB Rwy 6, Amdt. 13  
Antigo, WI—Langlade County Arpt., NDB Rwy 16, Amdt. 1  
Clintonville, WI—Clintonville Muni Arpt., NDB Rwy 32, Amdt. 3  
Fond du Lac, WI—Fond du Lac County, NDB Rwy 9, Amdt. 2

\* \* \* effective April 7, 1977

Idaho Falls, ID—Fanning Field, NDB Rwy 20, Amdt. 5  
Wharton, TX—Wharton Municipal Arpt., NDB Rwy 14, Original  
Wharton, TX—Wharton Municipal Arpt., NDB Rwy 32, Original



\* \* \* effective March 31, 1977

Naples, FL—Naples Municipal Arpt., NDB Rwy 4, Original  
 Naples, FL—Naples Municipal Arpt., NDB Rwy 22, Original

4. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAPs, effective May 5, 1977.

Helena, MT—Helena Arpt., ILS Rwy 26, Amdt. 5  
 Victoria, TX—Victoria Regional Arpt., ILS Rwy 12L, Amdt. 2

\* \* \* effective April 28, 1977

Allentown, PA—Allentown - Bethlehem - Easton Arpt., ILS Rwy 6, Amdt. 19

\* \* \* effective April 7, 1977

Idaho Falls, ID—Fanning Field, ILS Rwy 20, Amdt. 4

5. Section 97.31 is amended by originating, amending, or canceling the following RADAR SIAPs, effective April 28, 1977.

Destin, FL—Destin-Ft. Walton Beach, RADAR-1, Amdt. 5

6. Section 97.33 is amended by originating, amending, or canceling the following RNAV SIAPs, effective April 28, 1977.

Auburn, AL—Auburn Opelika Arpt., RNAV Rwy 18, Amdt. 2, canceled  
 Auburn, AL—Auburn Opelika Arpt., RNAV Rwy 36, Orig.  
 Middletown, DE—Summit Airpark, RNAV Rwy 35, Amdt. 1

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958; 49 U.S.C. 1348, 1354, 1421, 1510; sec. 6(c) Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on March 11, 1977.

NOTE.—Incorporation by reference provisions in §§ 97.10 and 97.20 approved by the Director of the FEDERAL REGISTER on May 12, 1969, (35 FR 5610).

JAMES M. VINES,  
 Chief, Aircraft Programs Division.

[FR Doc. 77-7867 Filed 3-16-77; 8:45 am]

[Docket No. 15530; Amdt. No. 139-11]

**PART 139—CERTIFICATION AND OPERATIONS: LAND AIRPORTS SERVING CAB-CERTIFIED AIR CARRIERS**

**Emergency Plans**

The purpose of this amendment to § 139.55 of the Federal Aviation Regulations is to require an applicant for (and holder of) an airport operating certificate to plan for medical and other assistance that may be needed in the event of an aircraft accident on its airport.

Interested persons have been afforded an opportunity to participate in the making of this amendment by a notice of proposed rule making (Notice No. 76-6) issued on March 25, 1976, and published in the FEDERAL REGISTER on April 1, 1976 (41 FR 13953). Due consideration has been given to all comments received in response to the notice.

Comments on the notice were received from 85 private organizations and individuals and eight Federal agencies. Some

of the commentators expressed general agreement with the objectives of the proposal. On the other hand, many expressed opposition or suggested revisions.

The FAA has reviewed, at random, a number of airport emergency plans and has found that many do not provide for medical assistance, transportation, and crowd control. Since it is believed that a detailed plan for providing medical and other assistance is essential for safety, this amendment adopts most of the provisions set forth in Notice No. 76-6. However, in light of comments received, several changes of a clarifying, relaxatory, or substantive nature have been made.

Under proposed § 139.55(b)(2), each applicant for an airport operating certificate would have had to plan for transportation and medical services for the maximum number of persons that could be carried on board the largest air carrier aircraft served or expected to be served by its airport. On further consideration, the FAA concludes that some applicants or operators would be unable to comply with this standard since the communities they serve cannot provide the medical assistance and transportation that would be necessary to achieve compliance.

Since it is intended to achieve compliance through community participation rather than through the purchase of additional vehicles and services, this provision has been revised. Under § 139.55(b)(2) of this amendment, the applicant must show, if practicable, that its plan provides for transportation and medical assistance for the number of persons specified in proposed § 139.55(b)(2). Under this standard, it must make a reasonable effort to obtain assistance for that number of persons from appropriate facilities, agencies, and personnel located on its airport and within the communities served by its airport. If this effort fails, the applicant has to provide, in its plan, for transportation and medical assistance to the extent that it is available on the airport and in those communities. It does not have to purchase additional vehicles or services or go beyond the communities in search of assistance.

With regard to that portion of the proposal dealing with agreements between an airport operator and appropriate facilities, agencies, and personnel, the FAA wishes to point out that the term "agreement" was defined in the notice as an "understanding", not a formal, written contract. The FAA recognizes that certain facilities, agencies, and personnel may not desire to obligate themselves, or may be unable to obligate themselves, to assist in the event of an emergency. However, to eliminate any misunderstanding, the word "agreement" is not used in the amendment.

Several commentators observed that Notice 76-6, rather than proposing a requirement that applicants exercise emergency plans periodically to determine their effectiveness, merely recommends such action. These commentators

feel that periodic exercise of the plan is important and should be required. While this practice is desirable, to require periodic exercise of the plans would impose an undue economic burden on certain airport operators, and for that reason such a requirement is not considered appropriate at this time.

Other commentators objected to the preparation of detailed plans citing the effort and expense involved or the existence of community plans that incorporate their airports. In this connection, the FAA wishes to point out that the practice of incorporating appropriate portions of community emergency plans into airport plans is considered acceptable. On the other hand, certain communities do not have emergency plans, and, therefore, airport operators serving those communities will have to develop their own plans. The FAA believes that the preparation of a detailed plan, where necessary, and its periodic review, do not impose an undue burden, especially since most facilities, agencies, and personnel providing needed assistance operate from fixed locations within the community.

Several comments dealt with matters considered beyond the scope of Notice No. 76-6. These are being retained and will be given due consideration, where appropriate, in the event of future rule-making actions.

In addition, several editorial changes have been made for purposes of clarity. The most significant of these involves the elimination of the phrase "in the vicinity of the airport", used in proposed § 139.55(b)(2)(i)-(iv), and use in lieu thereof of the phrase "in the communities served by the airport."

Finally, it should be noted that a person operating an airport, for which an airport operating certificate has been issued, must operate, maintain, and provide facilities, equipment, systems, and procedures at least equal in condition, quality, and quantity to the standards currently required for the issue of the airport operating certificate for that airport. This provision, set forth in §§ 139.81(a) and 139.121(a), requires the current holder of an airport operating certificate to comply with new standards, such as those set forth in this Amendment.

(Secs. 313, 610 and 612, Federal Aviation Act of 1958 (49 U.S.C. 1354, 1430 and 1432) sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

In consideration of the foregoing, § 139.55 of the Federal Aviation Regulations is amended, effective April 18, 1977, by revising paragraphs (b)(2), (b)(3), and (c), and by adding a new paragraph (e), to read as follows:

§ 139.55 Emergency plan.

(b) \* \* \*

(2) Medical services. In addition, after October 18, 1977, the applicant must show that its plan provides, to the extent practicable, for transportation and medical assistance for the maximum number of persons that can be carried on board the largest air carrier aircraft that its airport reasonably can be expected to



serve. The applicant must list in its plan the following:

(i) The name, location, and emergency capability of each hospital and other medical facility, and the business address of medical personnel, on the airport and in the communities it serves, that will provide medical assistance or transportation, or both.

(ii) The name and location of each rescue squad, ambulance service, and military installation, on the airport or in the communities it serves, that will provide medical assistance, or transportation, or both.

(iii) Surface vehicles or aircraft, or both, that the facilities, agencies, and personnel included in its plan under items (i) and (ii) of this subdivision will provide to transport injured and deceased passengers and crewmembers to locations on the airport, and in the communities it serves, where medical and other assistance is provided.

(iv) Each hangar or other building on the airport or in the communities it serves, that will be used to accommodate uninjured, injured, and deceased persons.

(3) Crowd control. In addition, after October 18, 1977, the applicant must specify the name and location of each safety or security agency that will provide assistance for the control of crowds in the event of an aircraft accident on its airport.

(c) The applicant must show before applying that it has coordinated its emergency plan with law enforcement, firefighting and rescue agencies, medical resources, the principal tenants at the airport, and other interested persons. In addition, after October 18, 1977, the applicant must show that all facilities, agencies, and personnel specified in this paragraph have participated in the development of the plan and have indicated that they will participate, to the extent practicable, in the implementation of the plan during an emergency.

(e) After October 18, 1977, the applicant must show that it has a plan for notifying the facilities, agencies, and personnel, specified in paragraph (c) of this section, of the location of an aircraft accident on the airport and the number of persons involved in that accident, immediately after receiving that information.

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 March 10, 1977.

JOHN L. McLUCAS,  
Administrator.

[FR Doc.77-7849 Filed 3-16-77;8:45 am]

## Title 18—Conservation of Power and Water Resources

### CHAPTER I—FEDERAL POWER COMMISSION

[Docket Nos. CP75-96, etc.; RM77-6; Order No. 558-B]

#### PART 2—GENERAL POLICY AND INTERPRETATIONS

#### Order Suspending Proceedings, Clarifying Prior Order, and Prescribing Further Procedures

FEBRUARY 1, 1977.

Pursuant to the provisions of the Alaska Natural Gas Transportation Act of 1976, P.L. 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 suspend all proceedings relating to a system for the transportation of Alaska natural gas; clarify Section 2.100(d), Part 2, General Policy and Interpretations, in Subchapter A—General Rules, Chapter I, Title 18 of the Code of Federal Regulations; and prescribe further procedures.

Section 5(a) of the Alaska Natural Gas Transportation Act of 1976 (Act) directs the Commission to suspend these above-entitled proceedings at a time it determines to be practical after the enactment of the Act. In Order No. 558 issued on December 14, 1976, in this proceeding the Commission determined that it could best serve all its statutory obligations by permitting these proceedings to continue as prescribed by its Rules of Practice and Procedures under the Natural Gas Act (18 C.F.R. Part 1, *et seq.*) until an Initial Decision is filed by the Administrative Law Judge at which time the suspension would become effective. The Judge is today filing his Initial Decision. We, therefore, are contemporaneously issuing this order noticing the suspension and providing further procedures.

Henceforth, the Commission will review the decision of the Administrative Law Judge and other relevant material and then formulate its recommendation to the President pursuant to § 5(b) (1) of the Act. In fulfilling the requirements of the Act, the Commission will not be functioning in an adjudicatory capacity under the Natural Gas Act. Accordingly, the Act authorizes the Commission to establish, by rule, procedures for the presentation of data, views, and arguments before the Commission or a delegate relative to the recommendation. By Order No. 588-A, issued December 16, 1976, we provided for the office of delegate for this purpose by adding § 2.100(d) to the Commission's general policy and interpretations.

Arctic Gas Project<sup>1</sup> (Arctic Gas) and El Paso Alaska Company (El Paso

<sup>1</sup>Alaska Arctic Gas Pipeline Company, Northern Border Pipeline Company, Pacific Gas Transmission Company and associated applicants.

Alaska) have filed petitions in response to Order No. 558-A. At this point, with the suspension of the proceedings under the Natural Gas Act, the issues raised by the petitions relate also to the Commission's Procedures during its deliberations and will be addressed to that context as well.

Arctic Gas raises three questions for clarification. First, it asks for the basis upon which Order No. 558-A included persons in the private sector, as well as Federal agencies, as potential sources of information. In conjunction with this question, it asks whether all parties other than applicants may provide information; and if so, why are applicants precluded from providing such information. Finally, it was requested that the Commission address the question whether persons can submit information not requested.

The second question raised is whether each request for information and its response will be made public.

The third question is whether any person can respond to the information provided to the delegate on request.

Arctic Gas specifically requests the following three Commission rulings:

(1) Permit the delegate to request information from applicants, if such requests are to be made of any nonfederal person or group.

(2) Require that all requests for information and assistance by the delegate, and all responses thereto, be made public.

(3) Allow any person to respond to such request.

El Paso Alaska by response of January 19, 1977, suggested that requests 1 and 3 of the Arctic Gas Project be denied but that request 2 be adopted.

In objecting to requests 1 and 3, El Paso Alaska concurs with the language in Order No. 558-A in which the Commission states it will "gather information from persons or agencies in the private sector" and opposes the request that delegates be allowed to request information from applicants. The basis of the objection is that applicants and parties have already had ample opportunity to make an exhaustive presentation, and that nothing can be achieved by allowing delegates to seek information from applicants or by allowing applicants to respond.

In relation to the first questions raised by Arctic Gas, the authority of the Commission to request information from private persons as well as governmental agencies is based upon § 5(b) (2) which authorizes the Commission to establish procedures for the presentation of "data, views and arguments." However, the Commission will receive and consider only information that is requested by it or a delegate. Unsolicited communications will not be considered.

Further, we find that while it is appropriate to suspend for this proceeding the broad restrictions of the *ex parte* rule of 18 CFR § 1.4(d), it is also necessary to impose restrictions upon communications with the Commission or delegates.



The parties that have participated as adversaries during the long course of hearings have had more than adequate opportunity to place on the record their positions regarding the competing projects and the "data, views and arguments" in support of their positions. The quality of information available to the Commission would not be enhanced through mere repetition of that discourse. Furthermore, an unqualified departure from the principles of the *ex parte* rule would create a potential for unequal access by the competing parties to the decision process without contributing reliability to the result. Therefore, the Commission or delegates should not communicate in relation to substantive matters with the applicants or affiliates thereof or parties, counsel, or witnesses (including Commission staff witnesses) that have advocated on the record the approval or rejection of any of the competing projects.

Some communication regarding the computer programs or models of the applicants may be necessary under the arrangement referred to on the record by Judge Litt with no objection from the parties (Tr. Vol. 251, pp. 43, 817-820). Any such communication should be limited to information necessary to enable comprehension of the program or models and should not extend to communication regarding the merits of any proposal. Such limited communications are interpreted for purposes of these procedures to be procedural rather than substantive.

If circumstances should change so that requests of the parties relating to matters of substance or the merits should be necessary, we shall so provide by notice at that time.

Finally, we believe that the following factors will provide the requisite public accountability for the process. The Act requires that the Commission's report on the thirteen factors mentioned in Section 5(c) be made public. That report necessarily will contain extra-record information as is relevant for consideration of the competing proposals.

Furthermore, at a reasonable time prior to the submission of the recommendation, a summary of extra-record data obtained by the Commission or delegates and that may be relied upon by the Commission in reaching a decision will be noticed. Interested persons will be given an opportunity to comment thereon. Finally, all records and documents compiled during this phase of the proceeding will be available for appropriate Congressional or Executive review after the Commission recommendation is submitted. These procedures will enable a review of all elements of the decisionmaking process of the Commission in this matter. We find that immediate placing of all communications in the public files is not required.

The above standards will insure impartiality in the process and will give parties adequate opportunity to rebut factual matters, while enabling the Commission to discharge expeditiously its duties under the Alaska Natural Gas

Transportation Act of 1976. To the extent the requests of the Alaska Arctic Project and El Paso Alaska are inconsistent herewith, such requests are denied.

*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 notice, concurrently with the initial decision in Docket No. CP75-96, the suspension of all proceedings pending before the Commission relating to a system for transportation of Alaska natural gas.

(2) In view of the purpose, intent, and effect of the amendments, good cause exists for making them effective upon issuance of the order. It is necessary and appropriate to make the above-described clarifications to Order No. 558-A to provide further for Commission proceedings and to deny the January 5, 1977 requests of the Alaska Arctic Project and the January 19, 1977 request of El Paso Alaska Company to the extent those requests are inconsistent with this order.

(3) It is necessary and appropriate to amend Section 2.100, Part 2, General Policy and Interpretations.

*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 719e), 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, 717q, and 717w, orders:

(A) Section 2.100 Part 2, General Policy and Interpretations, Subchapter A, General Rules, Chapter I, Title 18, Code of Federal Regulations, is hereby clarified as set forth above.

(B) The January 5, 1977 requests of the Alaska Arctic Project and the January 19, 1977 request of El Paso Alaska Company are denied to the extent that such are inconsistent with the above clarification.

(C) Section 2.100, Part 2, General Policy and Interpretations, Subchapter A, General Rules, Chapter I, Title 18, Code of Federal Regulations, is hereby amended by adding a new paragraph (e) 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.*

(e) The *ex parte* rule of the Commission, as set forth in 18 CFR § 1.4(c), shall not apply hereunder except that the Commission or a delegate shall not receive communications regarding matters of substance from any of the following persons:

(1) Any applicant, or affiliate thereof, or any witness for an applicant;

(2) Counsel for any applicant or party to the proceeding; and

(3) Any party or any witness for such party, if such person has advocated on the record the approval or rejection of any project proposed by any applicant.

By the Commission.

KENNETH F. PLUMS,  
Secretary.

[FR Doc. 77-7901 Filed 3-16-77; 8:45 am]

Title 7—Agriculture

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

[Grapefruit Regulation 77, Amdt. 6]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Amendment of Grade and Size Regulation

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final Rule.

**SUMMARY:** This amendment is issued pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905). The amendment of the grapefruit regulation lowers the minimum grade requirements applicable to domestic and export shipments of Florida pink seedless grapefruit. It also lowers the minimum diameter requirement for domestic shipments of Florida white seedless grapefruit. The amendment recognizes the quality and size composition of the remaining supply of grapefruit remaining for fresh shipment and is designed to permit movement of available supplies of fruit consistent with the interests of producers and consumers.

**DATES:** The amendment becomes effective March 11, 1977.

**FOR FURTHER INFORMATION CONTACT:**

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

**Findings.** (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the regulation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The amendment reflects the Department's appraisal of the current and prospective demand for grapefruit, by domestic and export market outlets. Less



restrictive grade and size requirements for such fruit are consistent with the character of much of the fruit remaining for fresh shipment.

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

The provisions of § 905.565 (Grapefruit Regulation 77; 41 FR 42177, 49474, 51029, 54917; 42 FR 9663; 10833) are amended by revising paragraphs (a) (3) and (4), b(3) and (c) as follows:

§ 905.565 Grapefruit regulation 77.

(a) \* \* \*

(3) Any seedless grapefruit, grown in the production area, which do not grade at least Improved No. 2: *Provided*, That during the period March 11, 1977, through August 14, 1977, no handler shall ship any pink seedless grapefruit, grown in the production area, which do not grade at least Improved No. 2 Russet; or

(4) Any seedless grapefruit, except pink seedless grapefruit, grown in the production area, which are of a size smaller than 3 $\frac{1}{16}$  inches in diameter: *Provided*, That during the period March 11, 1977, through August 14, 1977, no handler shall ship any white seedless grapefruit, grown in the production area, which are of a size smaller than 3 $\frac{1}{16}$  inches in diameter, except that a tolerance for seedless grapefruit smaller than such minimum diameters shall be permitted as specified in § 51.761 of the United States Standards for Grades of Florida Grapefruit.

(b) \* \* \*

(3) Any seedless grapefruit, grown in the production area, which do not grade at least Improved No. 2: *Provided*, That during the period March 11, 1977, through August 14, 1977, no handler shall ship any pink seedless grapefruit, grown in the production area, which do not grade at least Improved No. 2 Russet; or

(c) Terms used in the amended marketing agreement and order, including Improved No. 2 grade, shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, except Improved No. 2 grade, and diameter, as used herein, shall have the same meaning as is given to the respective term in the revised United States Standards for Grades of Florida Grapefruit (7 CFR 51.750-51.784), and Improved No. 2 Russet grade shall mean grapefruit grading at least U.S. No. 2 Russet and also meeting the requirements of the U.S.

No. 1 grade as to shape (form) and color.

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

Dated: March 11, 1977, to become effective March 11, 1977.

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

[FR Doc.77-7841 Filed 3-16-77;8:45 am]

[Navel Orange Reg. 405]

#### PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

##### Limitation of Handling

###### PREAMBLE

This regulation fixes the quantity of California-Arizona Navel oranges that may be shipped to fresh market during the weekly regulation period March 18-24, 1977. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 907. The quantity of Navel of 1937, as amended, and Marketing Oranges so fixed was arrived at after consideration of the total available supply of Navel oranges, the quantity currently available for market, the fresh market demand for Navel oranges, Navel orange prices, and the relationship of season average returns to the parity price for Navel oranges.

§ 907.705 Navel Orange Regulation 405.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

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

(i) The committee has submitted its recommendation with respect to the quantities of Navel oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Navel oranges is picking up

on all sizes of fruit. Prices f.o.b. averaged \$3.59 a carton on a reported sales volume of 1,111 cartons last week, compared with \$3.64 per carton on sales of 1,091 cartons a week earlier. Track and rolling supplies at 558 cars were up 70 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the respective quantities of Navel oranges which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 15, 1977.

(b) *Order* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period March 18, 1977 through March 24, 1977, are hereby fixed as follows:

- (i) District 1: 1,256,000 cartons;
- (ii) District 2: 294,000 cartons;
- (iii) District 3: Unlimited movement.

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

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

Dated: March 16, 1977.

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

[FR Doc.77-8321 Filed 3-16-77;11:51 am]



[Grapefruit Reg. 17; Amdt. 4]

**PART 944—FRUITS; IMPORT REGULATIONS**

**Minimum Grade and Size Requirements for Imports of Seedless Grapefruit**

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final Rule.

SUMMARY: This amendment lowers the minimum grade requirements applicable to imported pink seedless grapefruit from Improved No. 2 to Improved No. 2 Russet grade and lowers the size requirement applicable to imported white seedless grapefruit from 3<sup>5</sup>/<sub>16</sub> inches to 3<sup>3</sup>/<sub>16</sub> inches. The amendment is effective during the period March 11, 1977, through August 14, 1977. These requirements are the same as those applicable to grapefruit produced in Florida and regulated pursuant to Marketing Order No. 905.

DATE: This amendment becomes effective March 11, 1977.

**FOR FURTHER INFORMATION CONTACT:**

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

This amendment is consistent with section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). This section requires that whenever specified commodities, including grapefruit, are regulated under a federal marketing order, imports of that commodity must meet the same of comparable grade, size, quality, or maturity requirements as those in effect for the domestically produced commodity. This amendment fixes the same minimum grade requirement on imported pink seedless grapefruit and the same minimum size requirement on imported white seedless grapefruit as are effective under Marketing Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida.

Order. In § 944.113 (Grapefruit Regulation 17; 41 FR 42181, 49109; 42 FR 9664, 10835) the provisions of paragraph (a) are revised to read as follows:

**§ 944.113 Grapefruit regulation 17.**

(a) \* \* \*

(3) Seedless grapefruit shall grade at least Improved No. 2: *Provided*, That during the period March 11, 1977, through August 14, 1977, pink seedless grapefruit shall grade at least Improved No. 2 Russet; and

(4) Seedless grapefruit, other than pink seedless grapefruit, shall be of a size not smaller than 3<sup>5</sup>/<sub>16</sub> inches in diameter, and pink seedless grapefruit shall be of a size not smaller than 3<sup>3</sup>/<sub>16</sub> inches in diameter: *Provided*, That during the period March 11, 1977, through August 14, 1977, white seedless grapefruit shall be of a size not smaller than 3<sup>3</sup>/<sub>16</sub> inches in diameter, except that a tolerance for

seedless grapefruit smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances in § 51.761 of the United States Standards for Grades of Florida Grapefruit. ("Improved No. 2" and "Improved No. 2 Russet" shall mean grapefruit grading at least U.S. No. 2 or U.S. No. 2 Russet, respectively, and also meeting the requirements of the U.S. No. 1 grade as to shape (form) and color).

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective time of this amendment beyond that hereinafter specified (5 U.S.C. 553) in that (a) the requirements of this amended import regulation are imposed pursuant to Section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), which makes such regulation mandatory; (b) this amendment fixes the same requirements for imports of pink and white seedless grapefruit as are applicable under amended Grapefruit Regulation 77 (§ 905.565) to the shipment of pink and white seedless grapefruit grown in Florida; and (c) this amendment lowers the minimum grade requirement applicable to imported pink seedless grapefruit and the minimum size requirement applicable to imported white seedless grapefruit.

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

Dated: March 11, 1977, to become effective March 11, 1977.

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

[FR Doc. 77-7842 Filed 3-16-77; 8:45 am]

**CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE**

**SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS**

[CCC Grain Price Support Regs., 1976 Crop Corn Supplement, Amdt. 1]

**PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES**

**1976 Crop Corn Loan and Purchase Program Correction**

In FR Doc. 77-5264 appearing at page 10301 in the issue for Tuesday, February 22, 1977, the following corrections should be made to the listings under § 1421.113(a):

(1) On page 10301 under Illinois, the entry for Lee County should read "1.55".

(2) On page 10302 under Iowa, the entry for Taylor County should read "1.53".

(3) On page 10302 under Michigan, the entry for Lenawee County should appear only once and should read "1.55".

**CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE**

**SUBCHAPTER B—LOANS AND GRANTS PRIMARILY FOR REAL ESTATE PURPOSES**

[FmHA Instruction 444.3]

**PART 1822—RURAL HOUSING LOANS AND GRANTS**

**Subpart B—Section 502 Rural Housing Weatherization Loans**

AGENCY: Farmers Home Administration.

ACTION: Final Rule.

SUMMARY: This subpart provides the policies and procedures, and delegates authority for making Section 502 Rural Housing Weatherization (RHW) loans to utility consumers of local rural electric cooperatives (co-ops), borrowers from the Rural Electrification Administration (REA).

DATES: Effective Date: This addition is effective March 17, 1977. Comments must be received on or before April 18, 1977.

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

**FOR FURTHER INFORMATION CONTACT:**

Mr. Wesley L. Harris (202) 447-5296.

SUPPLEMENTARY INFORMATION: Part 1822, Chapter XVIII of Title 7, Code of Federal Regulations is amended to add a new Subpart B, "Section 502 Rural Housing Weatherization Loans." The purpose of this subpart is to provide a simplified procedure for making and servicing FmHA Section 502 Rural Housing loans to finance home improvements that will reduce energy consumption for rural home owners. Under the provisions of the Cooperative Agreement which is attached as Exhibit A to this subpart, participating co-ops will receive applications and process, close, and service Section 502 Rural Housing Weatherization loans for eligible co-op consumers. The Farmers Home Administration will determine the eligibility of applicants, and approve the loans based upon certifications provided by the applicants and co-op.

It is the policy of this Department that rules relating to public property, loans, grants, benefits, or contracts shall be published for comment notwithstanding the exemption in 5 U.S.C. 553 with respect to such rules. This addition, however, is not published for proposed rule-making since the purpose is to reduce energy consumption and any delay would be contrary to the public interest. We do, however, welcome comments and any justified changes will be made, based upon the comments received.

As added, Subpart B reads as follows:



Subpart B—Section 502 Rural Housing  
Weatherization Loans

## Sec.

1822.21	General
1822.22	Objective
1822.23	Cooperative agreement
1822.24	Loan approval authority
1822.25	County office responsibilities
1822.26	State director's responsibilities

AUTHORITY: 42 U.S.C. 1480, delegation of authority by the Secretary of Agriculture, 7 CFR 2.23, delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70.

Subpart B—Section 502 Rural Housing  
Weatherization Loans

## § 1822.21 General.

This Regulation provides policies and procedures and delegates the authority for processing and approving Section 502 Rural Housing Weatherization (RHW) loans made under Title V of the Housing Act of 1949, as amended. Rural Electrification Administration (REA), financed electric cooperatives (co-ops), are authorized herein to process and service Section 502 rural housing loans to co-op consumers for weatherization purposes. Loans will be made in accordance with 7 CFR Part 1822, Subpart A §§ 1822.3 (c), (d), (e), (n), (o); 1822.4 (except as modified herein); 1822.5 and the provisions of this regulation (FmHA Instruction 444.1, paragraphs III C, D, E, N, O; IV (except as modified herein); V and the provisions of FmHA Instruction 444.3).

## § 1822.22 Objective.

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

## § 1822.23 Cooperative agreement.

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

## § 1822.24 Loan approval authority.

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

## (a) Applicant certifies:

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

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

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

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

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

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

## (b) The co-op certifies:

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

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

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

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

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

## § 1822.25 County office responsibilities.

(a) *Loan making.* County offices will not process or approve Section 502 RHW authorized by this Instruction. However, applicants for weatherization loans who are not participating co-op consumers or who do not appear to be eligible for an RHW loan will be referred to the FmHA. Their applications will be handled in accordance with 7 CFR 1822 Subpart A (FmHA Instruction 444.1) or 1904 Subpart G as appropriate.

(b) *Loan servicing.* When a Coop notifies the FmHA Finance Office that an RHW loan is 90 days delinquent and forwards the loan account records to the Finance Office, the loan will be assigned a county office code, a case number, and loan number. Form FmHA 444-20 will be forwarded from the Fi-

nance Office through the State Office to the appropriate county office for further servicing in accordance with the appropriate FmHA Regulation.

## § 1822.26 State director's responsibilities.

In addition to the administrative policy matters covered in item (J) of the Cooperative Agreement, the State Director should request an additional allocation of loan funds if they are needed in his State(s). The State Director is responsible for seeing that his State's funding allocations are not exceeded, and that the co-op is notified in the future of any interest rate, income limit, or other program changes.

## EXHIBIT A

COOPERATIVE AGREEMENT BETWEEN  
AND FARMERS HOME ADMINISTRATION

Purpose. This Cooperative Agreement and attachments establish authorities and procedures whereby the

Name of Organization

Address

Phone No.

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

*Effective date of this memorandum.* This agreement shall be effective on the date of the last signature hereto.

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

*Policies.* The co-op will inform its consumers that FmHA loans will be made available to eligible applicants through the co-op. Loans will be made under the existing laws and regulations governing the FmHA and co-op. Guidance for loan making and loan servicing is provided in this part of the agreement.

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

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

2. Have an income of not more than the moderate-income limit for the State, as defined by FmHA.



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

**B. Terms.**

1. The interest rate used will be the current rate in effect for FmHA Section 502 RH loans. The FmHA State Director will notify the co-op of the interest rate to be charged. All loans approved during any month will be at the interest rate in effect at the beginning of the month.

2. The loan will not exceed \$1,500 and will be evidenced by a promissory note on Form FmHA 444-20, "Application and Promissory Note for Rural Housing Weatherization."

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

**C. Loan Purposes.** Loan funds may be used to buy and install weatherproofing items such as insulation, siding, caulking material, and storm windows and doors.

**D. Minimum Standards.** Weatherization improvements must meet FmHA's minimum standards for existing housing, or standards established by the co-op, whichever are greater. All improvements to the property will conform to applicable laws, ordinances, codes, and regulations which relate to the safety and the sanitation of the dwelling.

**E. Loan Processing.**

1. The co-op will assist its consumers in completing an application and promissory note on Form FmHA 444-20.

2. The co-op will provide or arrange for technical assistance as needed to determine improvements to be made and their costs. The co-op will determine credit worthiness, based upon its experience with the co-op consumer, and process loans for eligible applicants. Applicable Loan Disclosure and Truth in Lending requirements must be met by the co-op.

3. The co-op will arrange for the work to be done by a contractor satisfactory to the co-op and the applicant. The applicant will sign a contract agreement covering this work.

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

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

**G. Account Servicing.**

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

2. The co-op will remit monthly to the Finance Office, all collections received from

borrowers. Form FmHA 444-23, "Payment Transmittal to the Farmers Home Administration," will be used for this purpose, summarizing payments by FmHA loan number to the co-op.

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

4. If the co-op is unable to collect the FmHA payment from the borrower and the borrower's account becomes more than 90 days delinquent, the co-op will submit Form FmHA 444-24, "Notification of Final Payment or Transfer of Account to Farmers Home Administration," to the Finance Office and notify the borrower of the action taken. The Finance Office will send the borrower's Promissory Note through the State Office to the appropriate county office for further servicing of the account as provided in FmHA regulations. Once an account has been transferred to FmHA, the co-op must no longer accept payments from the borrower.

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

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

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

8. Interest on interest shall not be charged.

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

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

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

**K. Equal Opportunity Clause.**

1. For purposes of this clause the term "contractor" means "co-op" and "contract" means "Cooperative Agreement."

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

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

employment, notices to be provided by the Farmers Home Administration setting forth the provisions of his nondiscrimination clause.

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

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

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

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

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

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

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

**M. Payment for Services.** Neither FmHA nor applicants/borrowers will pay for services rendered by the co-op in making and servicing loans for weatherization improvements.

**N. Administrative Policy.** The FmHA State Director, in conjunction with the signing of this agreement, will advise the co-op of eligible rural areas for loans by the Agency, the interest rate to be charged on loans, the current income limits, any funding limitations likely to be encountered in the foresee-



able future, and of the processing requirements for this type of loan. The FmHA State Director will be responsible for seeing that the co-op is notified in the future of any interest rate, income limit, or other program changes. The State Director will provide the needed forms for loan processing to the co-op. The co-op will advise the State Director when additional forms are required or assistance is needed. The address of the FmHA State Office is \_\_\_\_\_

Address

Phone No.

Name	Name
Title of Co-op Official	Title of FmHA Official
Date	Date

**Effective Date:** This amendment is effective on March 17, 1977.

Dated: March 15, 1977.

FRANK W. NAYLOR, JR.  
Acting Administrator,  
Farmers Home Administration.

[FR Doc.75-8198 Filed 3-16-77;8:45 am]

#### SUBCHAPTER I—LOAN AND GRANT PROGRAMS (INDIVIDUAL)

[FmHA Instruction 1924-B]

#### PART 1924—MANAGEMENT ASSISTANCE TO BORROWERS (INDIVIDUAL)

##### Management Assistance to Individual Borrowers and Applicants

Section 1924.60(c)(4) of Subpart B of Part 1924, Title 7, Code of Federal Regulations (42 FR 4113) is amended. The purpose of this amendment is to require an analysis at the end of the first full crop year after an individual borrower receives any type of initial loan covered by this subpart; previously this analysis was required only for Operating loans.

It is the policy of this Department that rules relating to public property, loans, grants, benefits, or contracts shall be published for comment notwithstanding the exemption in 5 U.S.C. 553 with respect to such rules. This amendment, however, is not published for proposed rulemaking since the purpose of the amendment is to provide for more inclusive management assistance to individual borrowers and to protect the interest of the Government. For this reason, notice and public procedure thereare unnecessary.

As amended, § 1924.60(c)(4) reads as follows:

##### § 1924.60 Analysis.

(c) \* \* \*

(4) At the end of the first full crop year after receiving an initial loan and each year thereafter until the County Supervisor determines the borrower is conducting the operation satisfactorily.

(7 U.S.C. 1989, 42 U.S.C. 1480, 42 U.S.C. 2942, 5 U.S.C. 301, Sec 10 Pub L 93-357, 88 Stat 392, delegation of authority by the Secretary

of Agriculture, 7 CFR 2.23, delegation of authority by Director, Office of Economic Opportunity, 29 FR 14764, 33 FR 9850.)

**Effective date:** This amendment is effective March 17, 1977.

Dated: March 8, 1977.

FRANK W. NAYLOR, JR.,  
Acting Administrator,  
Farmers Home Administration.

[FR Doc.77-7904 Filed 3-16-77;8:45 am]

#### Title 49—Transportation CHAPTER X—INTERSTATE COMMERCE COMMISSION

##### SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Rev. S.O. No. 1260, Amdt. 1]

#### PART 1033—CAR SERVICE

##### Substitution of Refrigerator Cars for Boxcars

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 11th day of March 1977.

Upon further consideration of Revised Service Order No. 1260 and good cause appearing therefor:

It is ordered, that:

Revised Service Order No. 1260 (42 FR 13818) be, and it is hereby, amended by revising paragraph (a)(2) to read as follows:

##### § 1033.1260 Substitution of refrigerator cars for boxcars.

(a) \* \* \*

(2) *List of refrigerator cars to be applied:* SFRS 1000-1899, SFRS 2300-2799, SFRS 5000-50199, SFRP 1972-2287.

**Effective date:** This amendment shall become effective at 12:01 a.m., March 14, 1977.

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

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

By the Commission, Railroad Service Board, members Joel E. Burns, Lewis R. Teeple and John R. Michael.

ROBERT L. OSWALD,  
Secretary.

[FR Doc.77-7934 Filed 3-16-77;8:45 am]

[Ex Parte No. 282 (Sub-No. 1)]

#### PART 1111—RAILROAD ACQUISITION, CONTROL, MERGER, CONSOLIDATION PROJECT, TRACKAGE RIGHTS AND LEASE PROCEDURES

##### Railroad Consolidation Procedures

AGENCY: Interstate Commerce Commission (Commission).

ACTION: Issuance of Final Rules.

**SUMMARY:** (i) The Commission has revised its present regulations, codified as Part 1111 of Title 49 of the Code of Federal Regulations, pertaining to the contents and procedures for applications involving railroad consolidation transactions under section 5 of the Interstate Commerce Act (Act). In general, such transactions involve mergers, controls, leases, acquisitions, coordination projects, and trackage rights. The regulations, as adopted, embody the "case-in-chief" concept, wherein such an applicant is required to submit all necessary evidence at the time the application is initially filed with the Commission.

(ii) The need for this action was created by the enactment of Congress of the amendments to section 5 of the Act contained in sections 402 and 403 of the Railroad Revitalization and Regulatory Reform Act of 1976, Pub. L. 94-210 (the 4-R Act). Under these provisions of the 4-R Act, the Commission must reach final decisions in rail consolidation cases within limited statutory time periods, and the regulations will enable the Commission to comply with these new requirements.

(iii) It is intended that the Final Rules will significantly expedite the decision-making process in rail consolidation proceedings through a major reduction in the total time needed to fully develop the evidentiary record.

**DATES:** Effective date: February 17, 1977.

**ADDRESSES:** Interstate Commerce Commission, Washington, D.C. 20423.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Philip Israel, Deputy Director, Section of Finance. (Telephone 202-275-7245.)

**SUPPLEMENTARY INFORMATION:** The report of the Commission in Railroad Consolidation Procedures, 348 I.C.C. 771 (1977), which fully discusses the substantive public comments, the major issues, and the differences between the final rules and proposed rules, can be obtained by contacting Mr. Israel.

At a Session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 28th day of January 1977.

Investigation of the matters and things involved in this proceeding having been made and the Commission, on the date hereof, having approved a report adopt-



ing certain regulations, which regulations and report are hereby referred to and made a part hereof:

It is ordered, that Part 1111 of Title 49 of the Code of Federal Regulations be, and it is hereby, amended as set forth below.

It is further ordered, that this order shall become effective on the date of service hereof.

And it is further ordered, that notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission.

ROBERT L. OSWALD,  
Secretary.

Part 1111 of Title 49 CFR is revised as set forth below:

Sec.	
1111.1	Contents of application.
1111.2	Exhibits.
1111.3	Form and style.
1111.4	Procedures.

AUTHORITY: Sec. 5 Interstate Commerce Act, Secs. 402 and 403, Railroad Revitalization and Regulatory Reform Act of 1976, Pub. L. 94-210 (4-R Act).

§ 1111.1 Contents of applications.

Applications under section 5(2) and 5(3) of the Interstate Commerce Act (act) involving more than one common carrier by railroad shall show in the title thereof the nature of the proposed transaction and shall set forth, in the sequence indicated, the following information:

(a) A brief narrative description of the proposed transaction which shall be set apart from the information requested hereinafter and which shall generally discuss the following matters:

- (1) A brief summary of the proposed transaction including the name of applicant.<sup>1</sup>
- (2) The proposed time schedule for consummation of the proposed transaction.
- (3) The purposes sought to be accomplished by the proposed transaction, e.g., operating economies, elimination of excess facilities, extension of markets, improved financial viability.
- (4) The nature and amount of any new securities or other financial arrangements.
- (5) A brief summary of the applicant's public interest justification in support of the application.

<sup>1</sup> The term "applicant" is used throughout Part 1111 as a general reference to persons initiating an application under section 5(2) or (3) and in behalf of whom an application is initiated. In all instances, except as noted immediately below, the term covers the actual initiating party, whether or not a carrier, and all carriers with properties directly involved in the proposed transaction. In all applications under section 5(3) in which the Secretary of Transportation is the proposing party, the term "applicant" shall refer only to the carriers with properties directly involved in the proposed transaction.

(6) Any other supporting or descriptive statements which applicant deems material.

The narrative should also include appropriate references to supporting exhibits and statements contained in the application.

(b) Identification of applicant, showing:

(1) Full and correct name of applicant and the business address of applicant (street and number, city, county, State, and zip code).

(2) Whether applicant is an individual, firm, partnership, corporation, company, association, joint stock company, trustee, receiver, assignee, or other personal representative, and trade name or style, if any, under which applicant is doing business.

(3) Whether applicant is a career subject to part I of the act.

(4) State or States in which any part of the property of the applicant involved is situated.

(5) The name, title, and business address of the persons to whom correspondence with respect to the application should be addressed.

(6) Whether applicant or a subsidiary is affiliated with a motor or water carrier subject to the act; also the following information with respect to rail, motor, or water operations, where applicable: the date of the certificate, permit, or temporary authority; and the number of the Commission's docket assigned to the application upon which such certificate, permit, or temporary authority was issued or granted; or if application to engage in interstate or foreign commerce has been made but is still pending, date of the application and the docket number.

(c) Information respecting applicant, as follows:

- (1) If applicant is a corporation:
  - (i) Date of incorporation<sup>2</sup> and Government, State, or territory of incorporation.
  - (ii) Name and business address of directors.
  - (iii) Name, title and business address of officers.
  - (iv) Name and business address of 10 principal stockholders as of last record date and their respective holdings.
- (2) If applicant is a partnership:
  - (i) Date on which partnership was formed; and State and county in which it was formed.
  - (ii) Name and business address of all present partners, including limited or silent partners and their respective interests.
- (3) If applicant is an association or other form of organization, other than a corporation:
  - (i) Date of organization and place of organization.
  - (ii) Full description of the nature and objectives of the organization.
  - (iii) Name, title, and business address of officers and directors, or trustees.
  - (iv) Name and business address of applicant's 10 principal stockholders or owners.

(4) If applicant is a trustee, receiver, assignee, or a personal representative of the real party in interest:

(i) The name and address of the court, if any, under the direction of which applicant is acting.

(ii) Nature of the proceedings, if any, in which applicant was appointed.

(iii) With respect to the real party in interest: The information required under paragraphs (b) (1), (2), or (3) of this section, whichever is applicable.

(5) If paragraphs (1), (2), (3), and (4) are not applicable, indicate identity, structure, statutory or charter powers of applicant.

(6) If applicant is not a carrier, the type of business in which it is engaged, the length of time so engaged, and particulars of its present and prospective activities which have or may have a relation to transportation subject to the act.

(7) Whether applicant is controlled by any other corporation or corporations, and, if such control is held, state the name of the controlling corporation or each of such corporations, the form of control, whether sole or joint, direct or indirect, and its extent.

(8) The measure of control of ownership if any, now exercised by applicant over any carrier subject to the act, or over the properties of such carrier.

(9) If applicant, or the real party in interest, is part of a system or group of corporations or other persons, the relationship of the applicant, or of the real party in interest, to the members of such system or group, including the form and extent of such relationship, direct or indirect.

(10) Whether there are any intercorporate relationships, not disclosed in responses to prior instructions, through holding companies, ownership of securities, or otherwise, direct or indirect, between applicant and any carrier or person affiliated with any carrier, or between any person affiliated with applicant and any carrier or person affiliated with any carrier, at the time of making the application; if so, the nature and extent of such relationship; and, if applicant owns securities of a carrier corporation or corporations subject to the act, the name of the corporation, a description of securities, the par value of each class of securities held, and the percentage of total ownership.

(11) Whether any applicant or any of its affiliates has officers or directors in common with any other applicant or its affiliates; and, if so, a reference to the Commission's order or orders, if any, authorizing the holding of such positions in common, with the names of such officers or directors and the position held in each corporation.

(12) The amount of applicant's outstanding capital stock, by classes, and in

<sup>2</sup> If the applicant is incorporated or organized under the laws of, or authorized to operate in, more than one State, territory, or Federal district, give all pertinent facts as to such incorporation, organization, or authorization.



connection therewith the par value or stated value of each share, its voting rights, if any, the total number of stockholders of record, and the voting rights of all security holders.

(d) Information respecting the nature of the transaction proposed and the terms and conditions thereof as follows:

(1) The nature of the transaction, e.g., merger, control, coordination project, trackage rights.

(2) Briefly, the terms and conditions of the contract or agreement pursuant to which the proposed transaction is to be effected, including the manner in which it is proposed to consummate the transaction and the consideration, in money or otherwise, to be paid by applicant.

(3) Whether any governmental financial assistance is involved in the proposed transaction and, if so, the form, amount, source, and application of such financial assistance.

(4) Whether there is any financial or other relationship, direct or indirect, not disclosed in responses to prior instructions, existing at the present time between applicant and other parties and affiliates involved in the proposed transaction; and, if so, a full explanation of such relationship.

(5) The route, termini, and mileage of all involved lines, the principal points of interchange, and the main line mileage and branch line mileage shown separately.

(6) Whether the property involved in the proposed transaction includes all the property of the applicant and, if not, describe what property is included in the proposed transaction.

(7) Value of each of the properties involved in the proposed transaction as found by the Commission or if such value has not been found by the Commission, then the fair market value of the properties as independently appraised for the purposes of the proposed transaction; and, separately, the net cost of additions and betterments made after the date of valuation or appraisal.

(8) The policy and practice followed by applicant with respect to reserves for depreciation and similar reserves, including rates by classes of property.

(9) The market value of any securities acquired or proposed to be acquired in consummating the proposed transaction; or, if there be no ascertainable market value, the estimated value, giving the basis of the estimate.

(10) If any of the property covered by the application is encumbered and applicant has agreed to assume obligation or liability in respect thereof:

(i) A description of the property encumbered.

(ii) Amount of encumbrance and full description thereof, including maturity, interest rate, and other terms and conditions.

(iii) Amount of encumbrance assumed or to be assumed by applicant.

(11) If a consolidation or merger is proposed:

(i) The name of the company resulting from the consolidation or merger, and the

State or territory under the laws of which the consolidated company is to be formed or the merged company is to file its certificate of amendment.

(ii) The capitalization proposed for the company resulting from the consolidation or merger; and, separately, the amount and character of capital stock and other securities to be issued.

(e) Arguments in support of the proposed transaction, with particular regard to:

(1) The financial consideration involved in the proposed transaction, including an explanation of economies, if any, to be effected in operations, and increase, if any, in traffic, revenues, earnings available for fixed charges, and net earnings, expected to result from the consummation of the proposed transaction.

(2) The effect of the proposed transaction upon adequate rail and other transportation services to the public.

(3) The effect upon the public interest of the increase, if any, of total fixed charges resulting from the proposed transaction.

(4) The effect upon the public interest of any guaranty or assumption of payment of dividends or fixed charges contemplated in the proposed transaction.

(5) The effect upon the interest of carrier employees resulting from the proposed transaction.

(6) The effect upon the public interest of the inclusion, or the failure to include, other railroads in the territory involved in a proposed transaction under section 5(2) of the act.

#### § 1111.2 Exhibits.

(a) Required exhibits for all applications.<sup>2</sup>

(1) As exhibit 1, one or more of the following documents as may be appropriate:

(i) One copy each of the charter or articles of incorporation, and the bylaws and amendments thereof, of each applicant, duly certified by the appropriate public officer.

(ii) A properly authenticated copy of the articles of partnership, if any, of each partnership which is a party to the transaction.

(iii) A properly authenticated copy of articles of association, trust agreement, or other similar documents of each association or other form of organization, except a corporation, which is a party to the transaction.

<sup>2</sup> Where two or more exhibits bear the same number, distinguish them by giving the second and each additional exhibit a distinguishing letter as, exhibit 1, exhibit 1-2, exhibit 1-b, et cetera.

If documents here requested have been previously filed in connection with an application under sections 1a, 1(18), 5, or 20a of part 1 of the act, it will be sufficient to make reference to the docket number under which filed, provided that any change or changes occurring in such documents since the filing thereof shall be shown in an exhibit identified to correspond with the specific exhibit requested.

(iv) A properly authenticated copy of the order of the court or instrument appointing each trustee, receiver, assignee, or personal representative which is a party to the transaction.

(v) If (i), (ii), (iii), and (iv) are not applicable, submit appropriate organizational or authorizing document or indicate why none is available or necessary.

(2) As exhibit 2, a properly authenticated copy of the annual report, if any, to stockholders or shareholders for each of the two calendar or fiscal years preceding the filing of the application.

(3) As exhibit 3, a copy of all resolutions of directors of each applicant, authenticated by a proper executive officer, authorizing the proposed transaction and, where applicable, the making of the application to the Commission for its approval and authorization; and, if the charter or bylaws of the applicant require approval of the stockholders, a copy of the resolution of stockholders authorizing the proposed transaction and the making of the application; all such resolutions to be accompanied by sufficient transcripts of the minutes of meetings of the stockholders or directors of the applicant to show the number of shares entitled to vote, the number of shares voted for and against the resolutions, and the numbers of shares/votes required to adopt the resolution.

(4) As exhibit 4, a copy of all resolutions of stockholders or directors of the applicant, or duly authorized committee thereof, authenticated by a proper executive officer of the applicant, designating by name and for that purpose the executive officer by whom the application is signed and verified, and filed on behalf of the applicant. For purposes of exhibits 3 and 4, in the event the resolutions of stockholders have not been obtained at the time the application is filed then such resolutions shall be obtained as soon as feasible, but not later than the next regularly scheduled stockholders' meeting. A copy of such resolutions shall be filed with the Commission within 30 days following such meeting.

(5) As exhibit 5, if an organization other than a corporation is an applicant, documentary evidence showing authorization and designation of the individual or individuals signing, verifying, and filing on behalf of the applicant.

(6) As exhibit 6, if a trustee, receiver, assignee, or personal representative of the real party in interest is an applicant, a certified copy of the order, if any, of the court having jurisdiction, authorizing the contemplated action.

(7) As exhibit 7, opinion of counsel of applicant that the transaction described in the application meets the requirements of the law and will be legally authorized and valid, if approved by the Commission with specific reference to any specially pertinent provisions of applicant's charter or articles of incorporation.

(8) As exhibit 8, a general or key map indicating clearly, in separate colors, or otherwise, on a suitable scale, preferably not smaller than 20 miles to the inch,



the line or lines of applicant, parts of the line or lines of each applicant in their true relation to each other, short-line connections, other rail lines in the territory, and the principal geographic points of the region traversed. Whenever possible, this map should not be over 30 inches in its largest dimension. There shall also be furnished three copies of the map, unbound, for the use of the Commission.

(9) As exhibit 9, a copy of any contract or other written instrument entered into, or proposed to be entered into pertaining to the transaction covered by the application.

(10) As exhibit 10, the following:

(i) A copy of any agreement or agreements with employee organizations entered into as a result of the proposed transaction.

(ii) For all personnel not covered under the Railroad Retirement Act, a list of the pension plans currently in effect, indicating whether or not they are funded, the extent of any unfunded liability, and the time required to bring the plans to a fully funded level.

(iii) The number, location, craft or class and classification of all positions of the applicant and other involved carriers by railroad, which under the proposed transaction are to be abolished, consolidated, created or transferred (including the point or points from and to which positions will be transferred).

(iv) For each of the changes specified in item (iii), the cost and savings to applicant and other involved carriers by railroad in effectuating such changes, listed for each of the 3 years following consummation of the proposed transaction and the amount by craft or class and classification to which such costs and/or savings will be attributed.

(v) The date or dates on which each job abolishment, transfer, consolidation, or creation set forth under item (iii) above is to be effectuated and a statement as to whether or not implementing agreements have been negotiated with appropriate labor organizations with respect to such proposed changes.

(vi) The rate of attrition for applicant and other involved carriers by railroad by craft or class and classification for the last 6 years preceding the filing of the application.

(11) As exhibit 11, a proposed notice of filing which shall contain a brief summary of the proposed transaction, including as applicable:

(i) The name and address of applicant and applicant's attorney.

(ii) The nature of the proposed transaction, e.g., merger, control, consolidation, coordination project, trackage rights.

(iii) A brief geographical description (including, as applicable, route descriptions) of (A) the operations sought to be performed, and (B) the operations presently performed; or in the event the proposed transaction involves trackage

rights, joint use or ownership of a railroad line or a coordination project, then a brief description of the involved line (or lines) of railroad, including city or county and State location, termini, and approximate distance in miles.

(iv) The final paragraph of the draft notice for proposed transactions filed under section 5(2) of the act shall read as follows:

Interested persons may participate formally in a proceeding by submitting written comments regarding the application. Such submissions shall indicate the proceeding designation (F.D. No. ---), and the original and two copies thereof shall be filed with the Secretary, Interstate Commerce Commission, Washington, D.C. 20423, not later than 45 days after the date notice of the filing of the application is published in the FEDERAL REGISTER. Such written comments shall include the following: the person's position, e.g., party protestant or party in support, regarding the proposed transaction; specific reasons why approval would or would not be in the public interest; and a request for oral hearing if one is desired. Additionally, interested persons who do not intend to participate formally in a proceeding but who desire to comment thereon, may file such statements and information as they may desire, subject to the filing and service requirements specified herein. Persons submitting written comments to the Commission shall, at the same time, serve copies of such written comments upon the applicant, the Secretary of Transportation and the Attorney General.

(v) The final paragraph of the draft notice for proposed transactions filed under section 5(3) of the act shall read as follows:

Interested persons, other than those whose participation is specifically governed by section 5(3) of the act, may make known to the Commission their intention to participate formally in the proceeding by submitting written comments regarding the application. Such submissions shall indicate the proceeding designation (F.D. No. ---), and the original and two copies thereof shall be filed with the Secretary, Interstate Commerce Commission, Washington, D.C. 20423, not later than 30 days after the date notice of the filing of the application is published in the FEDERAL REGISTER. Such written comments shall include the following: the person's position, e.g., party protestant or party in support regarding the proposed transaction and specific reasons why approval would or would not be in the public interest. Additionally, interested persons who do not wish to participate formally in a proceeding, but who desire to comment thereon, may file such statements and information as they may desire, subject to the filing and service requirements specified herein. Persons submitting written comments to the Commission shall, at the same time, serve copies of such written comments upon the applicant, the Secretary of Transportation, the Attorney General, and the Secretary of Labor.

(12) As exhibit 12, information and data with respect to environmental matters prepared in accordance with the regulations in Part 1108 of this title of the Code of Federal Regulations.

(b) In addition to the exhibits required for all applications under section 1111.2(a) the following exhibits are also required for applications involving two or more class I railroads, except for those applications involving trackage rights, joint use or joint ownership of a railroad line or a coordination project:

(1) As exhibit A-13, the following data to be submitted by each applicant and any rail carrier seeking inclusion in the proposed transaction:

(i) Gross ton-mile traffic density charts which shall contain a map graphically showing principal lines (those handling 1 million gross ton-miles or more per year) and respective densities, expressed in gross ton-miles per year, in each direction, in segments of such lines between major freight yards and terminals, including major intramodal and intermodal interchange points, using the corporate or political subdivision name of the points shown as well as the railroad station name. The mileage of each segment of line should be shown on the chart. Data shown in the density chart shall be for the latest available full calendar year preceding the filing of the application.

(ii) Revenue carload interchange data between applicant and connecting line-haul rail carriers or water carriers (deleting intermediate switching railroads, if any) setting forth in a table, designated table A, the gateway involved, each connecting line-haul railroad or water carrier, and for each connecting line-haul railroad or water carrier the number of interchange carloads originating on applicant's line, the number of interchange carloads terminating on applicants' line, the overhead traffic delivered or received by applicant, and a separate total of overhead traffic and the total cars interchanged. Gateways to be listed shall be those handling 5,000 or more revenue carloads or 5 percent of total revenue carloads, whichever is smaller, annually. Gateways shown in table A should follow a geographical sequence, e.g., east to west, in the applicant railroad's system. Where two or more gateways are contiguous or nearly contiguous, they should be totaled (as examples, Dallas-Fort Worth, Minneapolis-St. Paul, Omaha-Council Bluffs, et cetera). If necessary, such grouped gateways may also be shown separately in supporting tables. Data shown in the interchange tables shall be for the latest available full calendar year preceding the filing of the application. In a separate table, designated table B, for each of the gateways listed in table A described above, there shall be shown for each connecting carrier the origin State and the destination State and the revenue carloads interchanged. An example of tables A and B follows:

(A) Table A data shall be organized as shown in the following sample table:



TABLE A.—Revenue carloads interchanged, calendar year

Gateway	Connecting line-haul railroad or water carrier	Applicant's revenue carloads				Total	Total cars interchanged
		Originated on applicant's line	Terminated on applicant's line	Overhead (bridge)			
				Delivered by applicant	Received by applicant		
Point A...	Carrier X.....	1,000	1,000	1,000	1,000	2,000	4,000
Do...	Carrier Y.....	50	50	6,000	6,000	6,000	6,050
Do...	Carrier Z.....	5,000	4,000				9,000
Do...	Total.....	6,000	5,050	7,000	1,000	8,000	10,050
Point B...	Carrier M.....	2,000	4,000	1,000	100	1,100	7,100
Point C...	Carrier R.....	1,000	500	500	500	1,000	2,500
Do...	Carrier X.....			5,000	5,000	10,000	10,000
Do...	Total.....	1,000	500	5,500	5,500	11,000	12,500

(B) Table B data shall be organized as shown in the following sample table:

TABLE B.—Revenue carloads interchanged, State-to-State movements, by gateway, calendar year

Connecting line-haul railroad or water carrier, name	Origin State, gateway	Destination State	Revenue carloads
Carrier R.....	Alabama.....	New York.....	400
Do.....	do.....	Ohio.....	100
Do.....	do.....	Pennsylvania.....	500
Do.....	do.....	Vermont.....	500
Do.....	Pennsylvania.....	Alabama.....	600
Do.....	do.....	Georgia.....	400
Carrier X.....	Alabama.....	New Jersey.....	5,000
Do.....	New York.....	Florida.....	2,500
Do.....	do.....	Georgia.....	2,500

(iii) Revenue carload origin and destination data for the latest available full calendar year preceding the filing of the application, listing the following:

(A) Points of origin of 5,000 or more revenue carloads or 5 percent or more of applicant's total originated revenue carloads, whichever is smaller, broken down to show originations of local and interline carloads for each point.

(B) Points of destination of 5,000 or more revenue carloads, or 5 percent or more of applicant's total terminated revenue carloads, whichever is smaller, broken down to show terminations of local and interline carloads for each point. The above-listed data shall include all of applicant's carloads at each point originated or terminated, as the case may be, by a line-haul, terminal, or switching railroad or by a motor carrier performing pickup or delivery service, except where such information would identify a specific shipper or shippers or a specific receiver or receivers.

(2) As exhibit A-14, the following data:

(i) A summary table showing the freight car fleet cars owned and leased by applicant indicating by year for the 10-year period preceding the filing of the application the number of box, flat (including rack cars), gondola, open hopper, covered hopper, refrigerator, stock, tank, miscellaneous, and total number of cars owned and leased, and the aggregate capacity of these cars.

(ii) A table showing the applicant's revenue freight traffic, indicating by year, for the 10-year period preceding filing

of the application, the number of local, interline originated, interline terminated, overhead, total carloads, total revenue tons, revenue ton-miles, and total freight revenue.

(iii) A table showing commodity group revenue (at the two-digit level of the STCC) for the 10 largest revenue producing commodity groups as a percentage of total revenue for the 10-year period preceding the filing of the application, indicating for each year the 10 largest commodity groups, the revenues attributable to each group and the percentage of that group's revenue as it relates to total revenue.

(iv) For the commodity groups shown in the table required in item (iii) above, a table showing commodity group tonnage as a percentage of total tonnage, for the 10-year period preceding the filing of the application, indicating by year the various commodity groups, the tonnage attributable to each group and the percentage of that group's tonnage as it relates to total tonnage. For the purpose of this exhibit, applicant should utilize the year immediately preceding the filing of the application for which data is available as the first year of the 10-year period. For each of the above items separate tables should be prepared covering, where appropriate, similar data for class I railroad subsidiaries and for predecessor railroads, if any, in existence during a part of the 10-year period covered.

(3) As exhibit A-15,<sup>4</sup> a copy of a traffic study detailing estimated gains in traffic and revenues expected to result from the consummation of the proposed transaction. The traffic study shall be prepared in conformity with the following instructions:

(i) The period covered by the traffic study shall be for the latest full calendar year for which data are available preceding the filing of the application.

(ii) At a minimum, the traffic study shall be based on the complete data shown on the waybills covering the movements studied. The complete data on these waybills, together with all other

<sup>4</sup>This exhibit is not required in applications involving the acquisition of a line of railroad where the line to be acquired has been authorized by the Commission to be abandoned or the line to be acquired connects with no carrier other than applicant.

information regarding the movement relied upon for determining the gains in traffic and revenue, shall be reproduced totally in an abstract of all the study movements; that is, all movements, whether or not a gain has been determined. On abstracts of movements for which a gain has been determined, the amount of the gain shall be shown. The initials of the person or persons making the determinations shall be shown on all abstracts. Only two copies of the abstract of the study movements shall be filed with the original application. A conformed copy of such abstract shall be maintained at applicant's principal place of business and shall be made available, upon request, to parties in the proceeding. Copies of the abstract need not be included as part of the exhibits to the copies of the application furnished to the Commission or served upon designated persons.

(iii) The traffic study shall include a statement showing the name and title of (A) the person or persons making the initial determination of gains, if any; (B) the person or persons making the final determination; and (C) the method used to resolve conflicting determinations, if any.

(iv) Traffic studies shall utilize probability sampling techniques and shall include a full explanation of the sample as described in "Guidelines for the Presentation of the Results of Sample Studies," February 1971, by the Commission's Bureau of Economics, or superceding publications, if any.

(v) The traffic study shall include the written instructions, if any, for determining the amount of gains. All instances where those instructions were not followed but were subordinated to other, unwritten instructions shall be clearly shown, together with references in each instance to the appropriate movement set forth in the abstract of movements under § 1111.2(b)(3)(ii), (exhibit A-15). Applicants shall furnish the unwritten instructions and the reasons for the deviation.

(vi) Where specific percentages (less than 100 percent) are applied to represent the amount of gains on movements, the criteria used to arrive at such percentages shall be stated precisely.

(vii) The estimates of gains in traffic and revenues shall be broken down separately for each connecting carrier, including carriers by other modes from which the traffic is gained, as follows:

(A) Applicant's interline originated traffic by off-junction with connecting carrier.

(B) Applicant's interline terminated traffic by on-junction with connecting carrier.

(C) Applicant's overhead traffic, by on- or off-junction with connecting carrier.

(viii) The traffic study shall contain a statement showing the revenue gains, the estimated cost of handling the gained traffic, and the net gain thus derived, including a detailed description of the methods used to compute the estimated costs of handling the gained traffic.



(4) As exhibit A-16, a complete description of the proposed operating plan to be effectuated upon approval of the transaction. This exhibit shall provide data, projected at least 3 years following consummation of the proposed transaction, describing the following aspects of the operating plan:

(i) The patterns of service on the properties, including the proposed principal routes, proposed consolidations of main-line operations, and the anticipated traffic density and general categories of traffic on all main and secondary lines in the system.

(ii) The basic operating and train blocking plan of the system, including the identification of system classification yards, and the anticipated workload of such yards, supported by a proposed blocking plan based on projected origin and destination traffic data.

(iii) The location of existing shops and repair facilities, and identification of major installations to be discontinued, and a description of the system repair function of each remaining facility.

(iv) If commuter or other passenger services are operated over the lines of applicant, detail any impacts anticipated on such services, including delays which may be occasioned because a line is scheduled to handle increased traffic due to route consolidations.

(v) The equipment requirements of the proposed system, including locomotives, rolling stock by type, and maintenance-of-way equipment, plans for acquisition and retirement of equipment; and projected improvements in equipment utilization, together with an explanation of the operating changes that will cause such improvements.

(vi) The extent to which deferred maintenance or delayed capital improvements apply to any road or equipment properties involved, and the schedule for eliminating such deferrals. Also details of system rehabilitation and upgrading plans including proposed yard and terminal modifications, together with an estimate of anticipated service improvements or operating economies associated with such projects.

(5) As exhibit A-17, general balance sheets, as appropriate, of the following:

(i) Transferee<sup>5</sup> on a corporate entity basis.

(ii) Transferee's parent company on a corporate entity basis.

(iii) Each subsidiary of transferee and transferor,<sup>6</sup> on a corporate entity basis.

(iv) Transferee and subsidiaries on a consolidated basis.

<sup>5</sup>The term "transferee" as used in these exhibits includes the following persons, e.g., in a control proceeding, the acquiring corporation; in a merger proceeding, the surviving corporation; in a consolidation, the resulting corporation; in a lease, the lessee; and in an acquisition, the purchaser.

<sup>6</sup>The term "transferor" as used in these exhibits includes the following persons, e.g., in a control proceeding, the corporation being acquired; in a merger proceeding, the merging corporations; in a consolidation, all corporations to be consolidated; in a lease, the lessor; and in an acquisition, the seller.

(v) Transferor on a corporate entity basis.

(vi) Transferor and subsidiaries on a consolidated basis.

All such statements requested in (i)-(vi) shall show the latest available date, not exceeding 6 months prior to the filing of the application.

(vii) Where the transaction involves a proceeding other than a control, a *pro forma* balance sheet statement giving effect to the proposed transaction as of the date of the balance sheets required above. The *pro forma* data shall be presented in columnar form showing in the first column the balance sheet of transferee on a corporate entity basis, in the second column a balance sheet of transferor, on a corporate entity basis, in the third column *pro forma* adjustments and eliminations so as to indicate in the fourth column, transferee's balance sheet "giving effect" to consummation of the proposed transaction. Each adjustment and elimination shall be properly footnoted and fully explained.

(6) As exhibit A-18, income statements, as appropriate, of the following:

(i) Transferee on a corporate entity basis.

(ii) Transferee's parent company on a corporate entity basis.

(iii) Each of transferee's subsidiaries on a corporate entity basis.

(iv) Transferee and subsidiaries on a consolidated basis.

(v) Transferor on a corporate entity basis.

(vi) Transferor and subsidiaries on a consolidated basis.

All statements requested in items (i)-(vi) are to be for each of the immediately preceding 3 calendar years, which may include for the most recent calendar year the months or quarters then available (preferably to the date of the balance sheet).

(vii) Where the transaction involves a proceeding other than a control, a *pro forma* income statement showing transferee's estimate of revenues, expenses, and net income for each of the 3 years following consummation of the transaction. The *pro forma* data shall be presented in columnar form, the first column showing transferee's actual income statement on a corporate entity basis for the latest available period extended to a 12-month period, the second column a similar income statement for the transferor, the third column forecasted adjustments to the combined revenues, expenses, and net income to reflect increases or decreases anticipated under the unified operation and the fourth column a compilation of the first three columns into a *pro forma* income statement forecasting operations during the first year following consummation and each of the 2 succeeding years. The adjustments are to be supported by a statement explaining the basis used in determining the estimated changes in revenues, expenses, and net income appearing in the third column. Additionally, if applicant determines that the major financial advantage to be derived from the proposed transaction will not occur with-

in the above-prescribed period, then applicant shall furnish additional information to reflect the number of years within which the financial advantages will be realized. The basis for all such data furnished shall be fully explained and supported.

(viii) Transferor's and transferee's statement of sources and application of funds for the current year, and a forecast of source and application of funds for each carrier (if a merger or consolidation, the surviving or resulting corporation) for the year following consummation of the proposed transaction. The form and content of these statements should be constructed in accordance with schedule 309, "Statement of Changes in Financial Position" required in the Annual Report R-1 for Class I Railroads.

(c) In addition to those exhibits required for all applications under § 1111.2 (a), the following exhibits are also required for applications involving two or more class II railroads or a class I and class II railroad, except for those applications involving trackage rights, joint use or joint ownership of a railroad line or a coordination project.

(1) As exhibit B-13, that revenue carload data requested in § 1111.2(b) (1) (i) (if available), (ii) (except table B), and (iii).

(2) As exhibit B-14, that revenue and commodity information required in § 1111.2(b) (2) (ii), (iii), and (iv).

(3) As exhibit B-15, that traffic study information required in § 1111.2(b) (3) (i) through (viii), however, such exhibit is not required in applications involving nonconnecting carriers or as noted in note 4.

(4) As exhibit B-16, that operation information required in § 1111.2(b) (4) (i) through (vi), as applicable.

(5) As exhibit B-17, that balance sheet data required in § 1111.2(b) (5) (i) through (viii).

(6) As exhibit B-18, that income statement data required in § 1111.2(b) (6) (i) through (viii).

(d) In addition to those exhibits required for all applications under § 1111.2 (a), the following exhibits are also required for applications involving trackage rights, joint use or ownership of a railroad line or a coordination project:

(1) As exhibit C-13, information and data, projected at least 3 year following the consummation of the proposed transaction, describing the following aspects of the operating plan:

(i) Any significant changes in patterns of service.

(ii) Traffic level and density on lines proposed for joint operations.

(iii) Impact on the use of yards or shop facilities and any necessary modifications to yards or terminals.

(iv) Impacts on commuter or other passenger service operated over a line which is to be downgraded, eliminated, or operated on a consolidated basis.

(v) Operating economies.

(vi) Any associated discontinuances or abandonments.

(2) As exhibit C-14, general balance sheets of the following:



(i) Applicant on a corporate entity basis.

(ii) Applicant's parent company on a corporate entity basis.

(3) As exhibit C-15, income statements, of the following:

(i) Lessee on a corporate entity basis.

(ii) Lessee's parent company on a corporate entity basis (if affected).

In the event the proposed transaction involves a major market extension<sup>1</sup> for the applicant, then in addition to the exhibits specified above, applicant shall also file the exhibits required under § 1111.2(b) (1) through (3) inclusive, except for good cause shown.

#### § 1111.3 Form and style.

(a) The application and exhibits shall conform with rule 15 of the General Rules of Practice (§ 1100.15 of this chapter).

(b) An applicant which has filed, or prepared for filing, a merger or consolidation proposal with the U.S. Department of Transportation pursuant to section 5(3) of the act may submit a copy of that proposal in partial satisfaction of the information requirements of §§ 1111.1 and 1111.2 of this part. An applicant following this course of action shall provide cross-references to the accompanying proposal indicating specifically those portions which contain the information required under each applicable subdivision of § 1111.1 or each applicable exhibit of § 1111.2 of this part.

#### § 1111.4 Procedures.

(a) Procedures for applications and other submission filed under section 5(2) and 5(3) of the act.

(1) The original application shall be signed in ink by the applicant, if an individual; by all partners, if a partnership; and if a corporation, association, or other similar form or organization, by its president, or such other executive officer having knowledge of the matters therein contained and duly designated for that purpose by the applicant, and shall be made under oath. The application shall contain an appropriate certification (if a corporation by its secretary) showing that the affiant is duly authorized to verify and file the application.

(2) There shall be filed with the Secretary, Interstate Commerce Commission, Washington, D.C. 20423 the original application and, in filings under section 5(2), 7 copies thereof and in filings under section 5(3), 19 copies thereof, for the use of the Commission. A copy of the application shall also be furnished to the Rail Services Planning Office and each of the Regional Directors of the Bureau of Operations, Interstate Commerce Commission, in which are located the headquarters of the carriers involved in the application. Applicant should also be prepared to furnish promptly copies of

the application to other carriers, employee organizations, and interveners or extra copies to the Commission upon request. Each copy shall conform in all respects to the original and shall be complete in itself except that the signature in the copies may be stamped or typed and notarial seal omitted. In like manner where certified copies of documents are filed with the original application, conformed copies thereof, showing certification in stamped or typewritten form, will be sufficient to accompany the additional copies of the application.

(3) All applications required to be filed with the Commission or served on designated persons shall include all exhibits, except as otherwise specifically noted.

(4) The applicant shall submit such additional information to support its application as the Commission may require.

(5) Applicant shall file concurrently with applications under sections 5(2) and 5(3) all directly related applications, e.g., those seeking authority to construct or abandon rail lines or to issue securities.

(6) All traffic and diversion studies submitted by any party shall be prepared in conformity with the instructions contained in § 1111.2(b) (3) (exhibit A-15). Nonconforming studies are subject to rejection. Any rejection shall be accompanied by a general statement of the reasons therefor.

(b) Procedures pertinent to applications filed pursuant to section 5(2) of the act.

(1) Service of applications under section 5(2) of the act. In addition to the application service requirements set forth in § 1111.4(a) (2) and (3), applicant shall serve by first-class mail, and shall so certify to the Commission, (i) a conformed copy of the application on the Governor, or executive officer, and the public service commission and the department of transportation of each State in which any part of the properties of the carriers involved in the proposed transaction is situated, and (ii) a conformed copy of the application, on the Secretary of the U.S. Department of Transportation (Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Room 5101, 400 Seventh Street, SW, Washington, D.C. 20590) and the Attorney General of the United States.

(2) Notice. Subject to § 1111.4(b) (7), within 30 days after the date on which an application is filed with the Commission, and certification received by the Commission as to the service of applications described in the preceding paragraph, notice will be published in the FEDERAL REGISTER.

(3) Written comments, intervention by the Secretary of Transportation and the Attorney General, and replies.

(i) Persons intending to participate formally in a proceeding shall submit written comments regarding the application. Such submissions shall indicate the proceeding designation (F.D. No. \_\_\_\_): The original and two copies thereof shall be filed with the Secretary, Interstate

Commerce Commission, Washington, D.C. 20423, not later than 45 days after the date notice of the filing of the application is published in the FEDERAL REGISTER. Such written comments shall include the following: the person's position, e.g., party protestant or party in support, regarding the proposed transaction, specific reasons why approval would or would not be in the public interest, and a request for oral hearing if one is desired.

(ii) Additionally, persons who do not intend to participate formally in a proceeding but who wish to comment thereon, may file such statements and information as they may desire, subject to the filing and service requirements specified herein.

(iii) Persons submitting written comments to the Commission shall, at the same time, serve copies of any such written comments upon the applicant, the Secretary of Transportation (Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Room 5101, 400 Seventh Street, SW, Washington, D.C. 20590) and the Attorney General.

(iv) In the event written comments are submitted, the Secretary of Transportation and the Attorney General shall be afforded 60 days from the date notice of the filing is published in the FEDERAL REGISTER to inform the Commission whether they will intervene as a party to the proceeding, and if so, to submit preliminary views on such application.

(v) Written replies to such written comments may be filed with the Commission within 20 days after the final date for filing such written comments, and copies of such replies shall be served on the applicant, the person filing the written comments, the Secretary of Transportation (Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Room 5101, 400 Seventh Street, SW, Washington, D.C. 20590) and the Attorney General.

#### (4) Inconsistent applications.

(i) All applications which are inconsistent, in whole or in part, with the initial application submitted under section 5(2) of the act, shall be filed with the Commission within 90 days from the date notice of the filing of the initial application is published in the FEDERAL REGISTER.

(ii) Persons submitting inconsistent applications shall file and serve such applications in the manner specified in section 1111.4(a) (2) and (3) and (b) (1). Additionally, a copy of such application shall also be served upon the applicant, in the initial application, at the time of filing with the Commission.

(iii) Inconsistent applications shall include all information and exhibits required to be filed with an application under these regulations. In addition to supporting fully the alternate relief sought, inconsistent applications shall also address any inadequacies of the original application which would be remedied by the inconsistent application.

(iv) To the fullest extent practicable, all of the required information and exhibits shall be filed with the inconsistent

<sup>1</sup> A major market extension shall include, but need not be limited to, transactions which effect an end-to-end extension of applicant's routes and services or which requires applicant's participation in additional through routes or joint rates.



application within the prescribed 90-day period. In the event that the applicant cannot submit all of the required materials with its application, then the Commission may, upon good cause shown for specified materials, afford applicant an additional 90 days to file the specified materials. A request for additional time to submit specified materials will not excuse applicant from the requirement of filing its application, in as complete a manner as possible, within the initial 90-day period.

(v) Subject to section 1111.4(b)(7) notice of the filing of an inconsistent application shall be published in the FEDERAL REGISTER, within 30 days of its filing.

(vi) Written comments, intervention by the Secretary of Transportation and the Attorney General, and replies to the inconsistent application shall be governed by the requirements of § 1111.4(b)(3).

(5) Petitions for inclusion.

(i) Petitions for inclusion in a proposed transaction arising under section 5(2) of the act shall be filed with the Commission within 90 days from the date notice of the filing of an application is published in the FEDERAL REGISTER.

(ii) Petitions for inclusion shall contain specific information in support thereof and the public interest justifications therefor. Additionally, petitions for inclusion shall contain all information and exhibits required to be filed with an application under these regulations, insofar as such information and exhibits are pertinent to the individual petition. The required information and exhibits should be prepared to reflect fully the effect upon the proposed transaction as a result of both petitioner's inclusion and noninclusion, the effect which both inclusion and noninclusion in the proposed transaction would have upon petitioner, and any inadequacies in the original application which would be remedied by such inclusion.

(iii) To the fullest extent practicable, all of the required information and exhibits shall be filed with the petition for inclusion within the prescribed 90-day period. In the event that petitioner cannot submit all of the required materials with its petition, then the Commission may, upon good cause shown for specified materials, afford petitioner an additional 90 days to file the specified materials. A request for additional time to submit specified materials will not excuse petitioner from the requirement of filing its petition, in as complete a manner as possible, within the initial 90-day period.

(iv) Persons submitting such petitions to the Commission shall, at the same time, serve copies upon all parties to the proceeding, including, if applicable, the Secretary of Transportation, the Attorney General, and persons submitting written comments to the initial application.

(v) Written replies to such petitions may be filed with the Commission within 30 days after the final date for filing such petitions, and copies of such replies shall be served on all parties to the proceeding.

(6) Evidentiary proceedings under section 5(2) of the act.

(i) The Commission may order an oral public hearing or a hearing by written submission with regard to applications filed pursuant to section 5(2) of the act. The determination will be made on the basis of written comments, inconsistent applications, and petitions for inclusion received which contain information indicating a need for such hearing. Generally, such designation will be made following the last date for filing inconsistent applications or petitions for inclusion or the last date for filing written comments or replies thereto.

(ii) The Commission will conclude the oral hearing, hearing by written submission, or other evidentiary proceeding within 240 days following the date notice of filing of the initial application is published in the FEDERAL REGISTER, except where the transaction involves the merger or control of two or more class I railroads, which evidentiary hearing shall be concluded not more than 24 months following the date of notice of filing in the FEDERAL REGISTER.

(iii) The Secretary of Transportation may propose any modification of any transaction filed under section 5(2) of the act involving a carrier by railroad, and shall have standing to appear before the Commission in support of any such proposed modification.

(7) Rejection of applications filed under section 5(2) of the act. The Commission reserves the right to reject those applications which do not conform to the regulations prescribed herein regarding form, content, and documentation. Upon the filing of an application, the Commission will review the submitted application and determine whether it conforms with all applicable regulations. If the application is incomplete, or otherwise defective, the Commission may reject for stated reasons said application by order (which order will be administratively final) within 30 days from the date of filing of the application. Thereafter, a revised application may be submitted, and the Commission will determine whether the resubmitted application conforms with all prescribed regulations. The resubmission or refiling of an application shall be considered a de novo filing for the purpose of computation of the time periods prescribed under section 5(2) of the act, *Provided*, That such resubmitted application is deemed complete.

(c) Procedures pertinent to applications filed pursuant to section 5(3) of the act.

(1) Initiating transactions under section 5(3) of the act. Any common carrier by railroad subject to part 1 of the act or the Secretary of Transportation may utilize the procedures pursuant to section 5(3) of the act provided:

(i) The transaction involves a merger, consolidation, unification, or coordination project (as described in section 5(c) of the Department of Transportation Act), joint use of tracks or other facilities, or acquisition or sale of assets.

(ii) The transaction has been proposed (A) by the Secretary of Transportation, with the consent of the common carriers by railroad which are parties to the transaction, or (B) by any such carrier which, not less than 6 months prior to such submission to the Commission, submitted the proposed transaction to the Secretary of Transportation for evaluation pursuant to section 5(3)(f) of the act; and

(iii) The application is filed on or before December 31, 1981. At the time an application is filed with the Commission pursuant to section 5(3), notice of the filing of the application shall be furnished to the Secretary of Transportation by the proposing party, except where the Secretary is the proposing party.

(2) Applications to be filed with the Commission. In addition to the application filing and service requirements set forth in § 1111.4(a)(2), applicant shall submit, at the time of filing with the Commission, a sufficient number of complete applications to permit the Commission to furnish copies of the application to:

(i) The Governor, or executive officer, public service commission, and department of transportation of each State in which any part of applicant's properties is situated.

(ii) The Attorney General.

(iii) The Secretary of Labor.

(iv) The Secretary of Transportation (except where the Secretary of Transportation is the proposing party).

Said application will be forwarded to the above-designated persons within 10 days of the filing of the application.

(3) Notice. Subject to § 1111.4(c)(7), upon receipt of the original application, and the requested conformed copies, the Commission will review the draft notice submitted by applicant, in accordance with § 1111.2(a)(11) (exhibit 11) and enter the assigned docket number and the date filed. Notice of the filing of the application will be given by publication in the FEDERAL REGISTER.

(4) Report of the Secretary of Transportation. The Secretary of Transportation shall submit a written report on the proposed transaction to the Commission in accordance with section 5(3)(f)(v) of the act, within 10 days from the date of submission of an application to the Commission.

(5) Written comments and replies.

(i) Interested persons, other than those whose participation is specifically governed by section 5(3) of the act, may make known to the Commission their intention to participate formally in the proceeding by submitting written comments regarding the application. Such submissions shall indicate the proceeding designation (F.D. No. \_\_\_\_\_), and shall be filed with the Secretary, Interstate Commerce Commission, Washington, D.C. 20423, not later than 30 days from the date of notice of the filing of the application if published in the FEDERAL REGISTER. Such written comments shall include the following: the person's position, e.g., party protestant or party in support, regarding the proposed transaction and



specific reasons why approval would or would not be in the public interest. Persons submitting written comments to the Commission shall, at the same time, serve copies of such written comments upon the applicant, the Secretary of Transportation, the Attorney General, and the Secretary of Labor.

(ii) Additionally, persons who do not intend to participate formally in a proceeding but who wish to comment thereon, may file such statements and information as they may desire subject to the filing and service requirements specified herein.

(iii) Replies to such written comments may be filed within 20 days after the final date for filing such written comments, and copies of such replies shall be served on the applicant, the person filing the written comment, the Secretary of Transportation, the Attorney General, and the Secretary of Labor.

(6) Required public hearings on applications filed pursuant to section 5(3) of the act.

(i) The Commission shall commence a public hearing on each application filed under this section within 90 days after the date of receipt of such complete application. Such hearing shall be held before a panel of the Commission duly designated by the Commission.

(ii) Upon referral of the application to the designated panel, and upon its receipt thereof, the panel shall request the views of (A) the Secretary of Transportation, regarding the effect of the proposed transaction upon the national transportation policy as stated by the Secretary, (B) the Attorney General, regarding the competitive or anticompetitive effects of the proposed transaction, and (C) the Secretary of Labor, regarding the effects of the proposed transaction on railroad employees and whether employees protection provisions contained in the proposal are adequate.

(iii) Within 35 days after receipt of said request or within such other reasonable time as the panel may prescribe, the views of the three above-named persons shall be submitted to the Commission in written report form. At the same time each such report of the Secretary of Transportation, the Attorney General, and the Secretary of Labor is submitted to the Commission, the persons submitting such report shall serve, by first-class mail, and shall so certify to the Commission, a copy of the report upon all parties of record to the proceeding.

(iv) The designated panel shall complete the public hearing within 180 days after the date of referral of an application to the panel, and the panel may, in order to meet the requirements of the statute, prescribe rules and make such rulings as may tend to avoid unnecessary cost or delay.

(v) Such panel shall recommend a decision and certify the record to the full Commission for final decision within 90 days after the termination of such hearing. The full Commission shall hear oral argument on the matter so certified, and it shall render a final decision within 120 days after receipt of the certified record

and recommended decision of such panel. The Commission may, in its discretion, extend any time period set forth in this paragraph, except that the final decision of the Commission shall be rendered not later than the second anniversary of the date of receipt of such an application by the Commission.

(7) Rejection of applications filed under section 5(3) of the act. The Commission reserves the right to reject those applications which do not conform to the regulations prescribed herein regarding form, content, and documentation. Upon the filing of an application, the Commission will review the submitted application and determine whether it conforms with all applicable regulations. If the application is incomplete, or otherwise defective, the Commission may reject for stated reasons said application by order, within 30 days from the date of filing of the application. Thereafter a revised application may be submitted, and the Commission will determine whether the resubmitted application conforms with all prescribed regulations. The resubmission or refiling of an application shall be considered a de novo filing for the purpose of computation of the time periods prescribed under section 5(3) of the act. *Provided*, That such resubmitted application is deemed complete.

[FR Doc.77-7793 Filed 3-16-77;8:45 am]

#### Title 50—Wildlife and Fisheries

### CHAPTER I—U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR PART 33—SPORT FISHING

#### Big Stone National Wildlife Refuge, Minn.

The following special regulation is issued and is effective March 17, 1977.

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

#### MINNESOTA

#### BIG STONE NATIONAL WILDLIFE REFUGE

Sport fishing on the Big Stone National Wildlife Refuge, Ortonville, Minnesota, is permitted on areas as described under special conditions below, and as delineated on maps available at refuge headquarters and from the Office of the Regional Director, U.S. Fish and Wildlife Service, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) Sport fishing is permitted from May 14 to September 30 only.

(2) The Minnesota and Yellow Bank Rivers are open to fishing during daylight hours only for their entire lengths through the refuge.

(3) Canoes (no motors) are allowed only on the Minnesota River channel canoe trail.

(4) Boats, canoes or other floating devices will not be permitted in the pool areas or open marshes. All fishing in these areas shall be from the shoreline only.

(5) Vehicles are restricted to public roads and parking areas. The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1977.

CHARLES W. GIBBONS,  
Refuge Manager, Big Stone National Wildlife Refuge, Ortonville, Minnesota.

FEBRUARY 28, 1977.

[FR Doc.77-7891 Filed 3-16-77;8:45 am]

### PART 33—SPORT FISHING

#### Horicon National Wildlife Refuge, Wis.

The following special regulation is issued and is effective March 17, 1977.

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

#### WISCONSIN

#### HORICON NATIONAL WILDLIFE REFUGE

Sport fishing on the Horicon National Wildlife Refuge, Mayville, Wisconsin, is permitted only on the areas designated by signs as open to fishing. These open areas are delineated on maps available at refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111. Sport fishing shall be in accordance with all applicable state regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge extends from May 15, 1977 through September 15, 1977, inclusive.

(2) The use of boats is not permitted.

(3) Fishing during daylight hours only.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Part 33, and are effective through September 15, 1977.

JACK TOLL,  
Refuge Manager, Horicon National Wildlife Refuge, Mayville, Wisconsin.

MARCH 9, 1977.

[FR Doc.77-7892 Filed 3-16-77;8:45 am]

### Title 40—Protection of Environment

#### CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

[FRL 700-5; PP5F1573/R126]

#### SUBCHAPTER E—PESTICIDE PROGRAMS

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

#### Thiophanate-Methyl

AGENCY: Environmental Protection Agency, Office of Pesticide Programs.

ACTION: Final rule.

SUMMARY: 40 CFR 180.371 is amended to establish tolerances for combined



residues of the fungicide thiophanate-methyl, its oxygen analog, and benzimidazole-containing metabolites in or on apricots, cherries, nectarines, peaches, plums, and prunes at 15 parts per million (ppm) from preharvest and postharvest application and in or on strawberries at 5 ppm from preharvest application.

**EFFECTIVE DATE:** Effective on March 17, 1977.

**FOR FURTHER INFORMATION CONTACT:**

Eugene Wilson, Product Manager (PM) 21, Registration Division (WH-567), Office of Pesticide Programs, Environmental Protection Agency, 401 H St. SW, Washington DC 20460 (202/426-2454).

**SUPPLEMENTARY INFORMATION:**

On January 22, 1975, notice was given (40 FR 3492) that Pennwalt Corp., PO Box 1297, Tacoma WA 98401, had filed a pesticide petition (PP 5F1573) with the Environmental Protection Agency (EPA). This petition proposed the establishment of tolerances for combined residues of the fungicide thiophanate-methyl (dimethyl (1,2-phenylene) bis(iminocarbonothioyl) bis(carbamate)) and its metabolite methyl 2-benzimidazole carbamate (calculated as the fungicide) resulting from preharvest and/or postharvest application in or on the raw agricultural commodities apricots, cherries, nectarines, peaches, plums, and prunes at 15 ppm and from preharvest application in or on strawberries at 5 ppm. No comments or requests for referral to an advisory committee were received in response to this notice of filing.

Pennwalt Corp. subsequently amended the petition by deleting the metabolite methyl 2-benzimidazole carbamate from

the tolerance request, proposing instead that the tolerance be revised to include combined residues of thiophanate-methyl, its oxygen analog dimethyl-4,4'-o-phenylene bis, and benzimidazole-containing metabolites (calculated as thiophanotemethyl) in or on apricots, cherries, nectarines, peaches, plums, and prunes at 15 ppm from preharvest and postharvest application and in or on strawberries at 5 ppm from preharvest application. Because this amendment did not result in an increase in human exposure from the pesticide and merely identifies additional constituents from those originally proposed, which are not different from those currently regulated, the issuance of a proposed rulemaking document (in addition to the previously published original notice of filing) is considered unnecessary.

The data submitted in the petition and all other relevant material have been evaluated. The pesticide is considered useful for the purpose for which the tolerances are sought, and there is no reasonable expectation of residues in eggs, milk, meat, or poultry as delineated in 40 CFR 180.6(a)(3). The Agency has determined that the tolerances established by amending 40 CFR 180.371 will protect the public health, and it is concluded, therefore, that the tolerances be established as set forth below.

Any person adversely affected by this regulation may, on or before April 18, 1977, file written objections with the Hearing Clerk, Environmental Protection Agency, East Tower, Rm. 1019, 401 M St. SW., Washington, D.C. 20460. Such objections should be submitted in quintuplicate and should specify both the provisions of the regulations considered to be objectionable and the grounds

for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

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

Dated: March 11, 1977.

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

Part 180, Subpart C, § 180.371, is revised in its entirety by establishing tolerances of 15 ppm on apricots, cherries, nectarines, peaches, plums, prunes and 5 ppm on strawberries and editorially restructuring the section into an alphabetized columnar listing to read as follows:

**§ 180.371 Thiophanate-methyl; tolerances for residues.**

Tolerances are established for residues of the fungicide thiophanate-methyl (dimethyl (1,2-phenylene) bis(iminocarbonothioyl) bis(carbamate)), its oxygen analog dimethyl-4,4'-o-phenylene bis, and its benzimidazole-containing metabolites (calculated as thiophanate-methyl) in or on the following raw agricultural commodities:

Commodity:	Parts per million
Apricots (pre- and post-H).....	15.0
Bananas (pre-H).....	2.0
Bananas, pulp.....	0.2
Cherries (pre- and post-H).....	15.0
Nectarines (pre- and post-H).....	15.0
Peaches (pre- and post-H).....	15.0
Plums (pre- and post-H).....	15.0
Prunes (pre- and post-H).....	15.0
Strawberries (pre-H).....	5.0

[FR Doc.77-8260 Filed 3-16-77 9:59 am]



# proposed rules

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

## DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[ 7 CFR Part 908 ]

### VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Proposed Minimum Size Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed Rule.

**SUMMARY:** This proposal would require fresh Valencia oranges shipped from District 1 of the California-Arizona production area to measure at least 2.32 inches in diameter during the period April 1, 1977, through January 15, 1978. The proposal was submitted by the Valencia Orange Administrative Committee established under the order to administer the program locally. The committee reports that the composition of the crop is such that more than ample quantities of larger, more desirable sizes of oranges are available to meet fresh market demand and it would be in the interest of producers and consumers to limit shipments to the sizes specified. The smaller sizes of oranges could be disposed of in export and in processing outlets.

**DATE:** Comments must be received on or before March 23, 1977.

**FOR FURTHER INFORMATION CONTACT:**

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

Notice is hereby given that the Department is considering the establishment of a size regulation for Valencia oranges grown in District 1, pursuant to the applicable provisions of the marketing agreement, as amended, and order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The proposed amendment was recommended by the Valencia Orange Administrative Committee, established under said amended marketing agreement and order as the agency to administer the terms and provisions thereof.

The 1976-77 season crop of Valencia oranges is currently estimated by the committee at 59,000 carlots. The committee reports that demand in regulated fresh market channels is expected to require about 37 percent of this volume. The remaining 63 percent would be avail-

able for utilization in export and processing outlets. The committee indicates that volume and size composition of the crop of Valencia oranges grown in District 1 are such that ample supplies of the more desirable sizes will be available to satisfy the demand in regulated channels. The regulation is designed to permit shipments of ample supplies of fruit of the more desirable sizes in the interest of growers and consumers.

All persons who desire to submit written comments for consideration in connection with the proposed regulation shall file two copies of same with the Hearing Clerk, United States Department of Agriculture, Room 1077, South Building, Washington, D.C. 20250, not later than March 23, 1977. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal is as follows:

**Order.** (a) During the period April 1, 1977, through January 15, 1978, no handler shall handle any Valencia oranges grown in District 1 which are of a size smaller than 2.32 inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit: *Provided*, That not to exceed 5 percent, by count, of the Valencia oranges contained in any type of container may measure smaller than 2.32 inches in diameter.

(b) As used in this section, "handle", "handler", and "District 1" shall have the same meaning as when used in said amended marketing agreement and order.

Dated: March 14, 1977.

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

[FR Doc. 77-7902 Filed 3-16-77; 8:45 am]

## NUCLEAR REGULATORY COMMISSION

[ 10 CFR Parts 11, 50 and 70 ]

### SPECIAL NUCLEAR MATERIAL

Authority for Access to or Control

Section 1611 of the Atomic Energy Act of 1954, as amended, permits the Nuclear Regulatory Commission to prescribe regulations instituting a clearance program for those individuals who have access to or control over special nuclear material. Specifically, the section provides that the Commission may issue regulations " \* \* \* designating activities involving quantities of special nuclear material which in

the opinion of the Commission are important to the common defense and security, that may be conducted only by persons whose character, associations and loyalty shall have been investigated under standards and specifications established by the Commission and as to whom the Commission shall have determined that permitting each such person to conduct the activity will not be inimical to the common defense and security. \* \* \*"

Pursuant to this statutory authority, the Commission is proposing regulations which would require certain individuals involved in the operation of licensed nuclear power reactors and fuel reprocessing plants, in the licensed use, processing, or storage of certain quantities of special nuclear materials, and in the transportation by the private sector of certain quantities of special nuclear material, to receive authorization from the Commission for access to or control over special nuclear material. These regulations are being prepared to utilize a personnel security program as a measure to protect against those employed in the affected nuclear activities who might conspire to steal or divert special nuclear material or conduct sabotage which would endanger the public by exposure to radiation. Of course, a clearance program itself does not entirely solve the problem of the "insider," but, in the opinion of the Commission, experience has shown that such programs do substantially reduce the risk of such conspiracies. Moreover, the proposed program is one of several elements in the Commission's overall safeguards program which together protect against threats, both internal and external.

Two levels of special nuclear material access authorization are proposed. The higher level, NRC-U, would be based upon a full-field background investigation and would apply to (i) all individuals who require unescorted access to special nuclear material or within vital areas, (ii) those jobs in which an individual alone or in conspiracy with another individual who does not possess an NRC-U special nuclear material access authorization could act to steal or divert special nuclear material or to commit sabotage, and (iii) drivers of motor vehicles and pilots of aircraft transporting certain quantities of special nuclear material and those who escort road, rail, air or sea shipments of special nuclear material. The lower level, NRC-R, would be based upon a National Agency Check and would apply to all individuals who require unescorted access to protected areas and who are not required to possess an NRC-U special nuclear material access authorization.



Both the National Agency Check and the full-field background investigation are conducted by the Civil Service Commission. The National Agency Check consists of a check of files of the FBI (fingerprint, criminal, and subversive files), Civil Service Commission (Security-Investigative index), and a check of military records and records of other government agencies, as appropriate. The full-field background investigation consists of interviews of references, conducted by investigative agents of the Civil Service Commission, in addition to the records check. Sources of information developed in the course of the investigation are also interviewed. The full-field background investigation conducted by the Civil Service Commission generally covers the 15-year period of the individual's adult life prior to the investigation.

The program being proposed by these regulations is intended to supersede any existing requirements for licensees to screen or otherwise assure the trustworthiness of their personnel.

If the Commission adopts the proposed amendments, licensees and license applicants would be required to amend their security plans by identifying and describing jobs at their facilities which require authorization. Affected individuals would be required to obtain authorization according to the schedules set forth in the proposed rule. Individuals who are newly hired or who change jobs where the new job would require a material access authorization must obtain an authorization before beginning the job. Authorization would be updated every five years.

With due recognition of the gravity of establishing a material access authorization program in the licensed nuclear industry which would affect individuals who are not employed by any licensee or contractor of the Commission as well as licensee employees, it is the Commission's intent to minimize both the impact on the rights of privacy and association of individuals affected, and the number of individuals affected, while providing an effective measure of protection against those who would seek employment with, or use their position in, the nuclear industry for purposes of theft or sabotage. In preparing these regulations among the matters considered were the scope of investigations (e.g., whether a full-field background investigation should be required for all individuals), which job functions should require material access authorization (e.g., require authorization only for "key" positions or adopt a graded system with level of clearance determined by job), whether psychological assessment should be required, and the relation of the proposed program to current NRC and ERDA personnel security programs.

The Commission also considered the question of whether new criteria should be developed against which a decision for authorization would be made. The present NRC security clearance criteria (10 CFR Part 10) were developed for access to information and, as such, not all criteria may be equally significant for

questions of access to special nuclear material, and some may not be perceived as relevant in specific cases. Also, there may be cases in which additional criteria, not now included in 10 CFR Part 10, would be more to the point. However, these criteria do correspond to the Federal Government's general approach to personnel security, and specifically, ERDA had adopted them for use in its own materials access program (42 FR 7946). Furthermore, the criteria are in the nature of guidelines to be used in a decision process characterized by common sense judgments, rather than quantitative criteria. Moreover, the Commission is reluctant to devise a new set of criteria without evidence that any new criteria would significantly improve upon those which presently exist. Hence, the Commission's proposal is to rely on the government-wide criteria as guidelines in deciding questions of access to or control over special nuclear material. The Commission particularly requests comments both on the relevance of individual criteria of 10 CFR Part 10, and on the completeness and suitability of the criteria as a whole for questions of access to or control over special nuclear material. The Commission intends to give careful consideration to this matter, in the light of comments received, in determining the provisions of an effective rule.

Pursuant to the Atomic Energy Act of 1954, as amended by the Energy Reorganization Act of 1974, and section 553 of title 5 of the United States Code, notice is hereby given that adoption of a new 10 CFR Part 11 and adoption of the following conforming amendments to 10 CFR Parts 50 and 70 is contemplated. All interested persons who desire to submit written comments or suggestions with respect to the proposed amendments, or any other matter pertinent to the subject of this notice, should send them to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, by May 16, 1977. If sufficient interest is evidenced by comments received, the Commission will give consideration to a public hearing on this matter. Copies of comments on the proposed amendments may be examined in the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C.

1. A new Part 11 is added to read as follows:

**PART 11—CRITERIA AND PROCEDURES FOR DETERMINING ELIGIBILITY FOR ACCESS TO OR CONTROL OVER UNCLASSIFIED SPECIAL NUCLEAR MATERIAL**

**GENERAL PROVISIONS**

- 11.1 Purpose.
- 11.3 Scope.
- 11.5 Policy.
- 11.7 Definitions.

**REQUIREMENTS FOR SPECIAL NUCLEAR MATERIAL ACCESS AUTHORIZATION**

- 11.11 Requirements at fixed sites.
- 11.13 Requirements in transportation.
- 11.15 Application for special nuclear material access authorization.

**CRITERIA FOR DETERMINING ELIGIBILITY FOR SPECIAL NUCLEAR MATERIAL ACCESS AUTHORIZATION**

11.21 Application of the criteria.

Authority: Sec. 7, Pub. L. 93-377, 88 Stat. 475; sec. 1611, Pub. L. 83-703, 68 Stat. 948 (42 U.S.C. 2201).

**GENERAL PROVISIONS**

**§ 11.1 Purpose.**

This part establishes the requirements for special nuclear material access authorization, and the criteria and procedures for resolving questions concerning the eligibility of individuals to receive special nuclear material access authorization for conduct of certain activities, licensed or otherwise, which involve access to or control over unclassified special nuclear material.

**§ 11.3 Scope.**

(a) The requirements, criteria, and procedures of this part apply to the establishment of and eligibility for special nuclear material access authorization for employees, contractors, consultants of, and applicants for employment with, licensees or contractors of the Nuclear Regulatory Commission where such employment, contract, service, or consultation involves any job falling within the criteria of §§ 11.11 or 11.13 of this chapter.

(b) The requirements, criteria, and procedures of this part are in addition to and not in lieu of any requirements, criteria, or procedures for access to or control over classified special nuclear material.

**§ 11.5 Policy.**

It is the policy of the Nuclear Regulatory Commission to carry out its authority to establish and administer a personnel security program in the interests of the common defense and security for the purpose of safeguarding special nuclear material and preventing sabotage which would endanger the public by exposure to radiation in a manner consistent with traditional American concepts of justice. To this end, the Commission has established criteria for determining eligibility for special nuclear material access authorization and will afford affected individuals the opportunity for administrative review of questions concerning their eligibility for special nuclear material access authorization.

**§ 11.7 Definitions.**

As used in this part:

(a) Terms defined in Parts 10, 50, 70, and 73 of this chapter have the same meaning when used in this part.

(b) "Special nuclear material access authorization" means an administrative determination that an individual (including a contractor or consultant) who is employed by or is an applicant for employment with a Commission contractor, licensee of the Commission, or contractor of a licensee of the Commission may work at a job which affords access to or control over special nuclear material and that permitting the individual to work



at that job would not be inimical to the common defense and security.

(c) "NRC-'U' special nuclear material access authorization" means an administrative determination based upon a national agency check and a full-field background investigation conducted by the Civil Service Commission that an individual in the course of employment is eligible to work at a job falling within the criteria of §§ 11.11(a) (1) or 11.13.

(d) "NRC-'R' special nuclear material access authorization" means an administrative determination based upon a national agency check that an individual in the course of employment is eligible to work at a job falling within the criterion of § 11.11(a) (2).

#### REQUIREMENTS FOR SPECIAL NUCLEAR MATERIAL ACCESS AUTHORIZATION

##### § 11.11 Requirements at fixed sites.

(a) Each licensee who (after 90 days following publication in final form) uses, processes, or stores special nuclear material subject to the physical protection requirements of Part 73 of this chapter, or who operates a nuclear reactor subject to the physical protection requirements of Part 73 of this chapter, by amendment to his security plan shall identify at his facility or plant and describe to the Commission:

(1) All jobs in which an individual could steal or divert special nuclear material, or commit sabotage which would endanger the public by exposure to radiation, by working alone or in cooperation with an individual who does not possess an NRC-'U' special nuclear material access authorization, or by directing or coercing any individual to assist in the theft, diversion, or sabotage. Such jobs include but are not limited to:

(i) All positions in the licensee's security force;

(ii) Management positions with the authority to:

(A) Direct the actions of members of the security force or alter security procedures, or

(B) Direct routine movements of special nuclear material, or

(C) Direct the routine status of vital equipment.

(iii) All jobs which require unescorted access within onsite alarm stations.

(iv) All jobs which require unescorted access<sup>1</sup> to special nuclear material or within vital areas.

(2) All jobs which require unescorted access within protected areas and which do not fall within the criterion of paragraph (a) (1) of this section.

(b) (1) After (540 days following publication in final form) no individual who works at a nuclear reactor subject to this part and after (180 days following publication in final form) no other individual may be permitted to work at any job determined by the Commission to fall within the criterion of paragraph

(a) (1) of this section without an NRC-'U' special nuclear material access authorization. (2) After (540 days following publication in final form) no individual may be permitted unescorted access to any protected area at a nuclear reactor site subject to this part, and after (180 days following publication in final form) no individual may be permitted unescorted access to any protected area at any other site subject to this part, without either an NRC-'U' or NRC-'R' special nuclear material access authorization.

##### § 11.13 Requirements in transportation.

(a) All individuals who after (180 days following publication in final form) drive motor vehicles in road shipments of special nuclear material, pilot aircraft in air shipments of special nuclear material, act as monitors at transfer points, or escort road, rail, sea, or air shipments of special nuclear material subject to the appropriate physical protection requirements of §§ 73.30, 73.31, 73.35 or 73.36 of this chapter shall have NRC-'U' special nuclear material access authorization.

(b) Licensees who after (180 days after publication in final form) transport or who deliver to a carrier for transport special nuclear material subject to the physical protection requirements of §§ 73.30, 73.31, 73.35 or 73.36 of this chapter shall confirm and record prior to shipment the name and special nuclear material access authorization number of all drivers, escorts, and monitors assigned to the shipment.

##### § 11.15 Application for Special Nuclear Material Access Authorization.

(a) Application for special nuclear material access authorization, renewal, or change in level shall be filed by the employer on behalf of the applicant with the Director, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.<sup>2</sup>

(b) Applications for special nuclear material access authorization shall be made on forms supplied by the Commission including:

(1) A Personnel Security Questionnaire (PSQ) completed by the individual.

(2) A fingerprint card with the individual's fingerprints (fingerprints may be taken by a local police authority).

(3) A statement by the employer, prospective employer, or contractor, identifying the job to be assigned to or assumed by the individual and the level of authorization needed, justified by appropriate reference to the licensee's security plan.

(c) Special nuclear material access authorization shall expire 5 years following the date of issue. If continued special nuclear material access authorization is required, an application for renewal shall be submitted at least 90 days prior to expiration date. Failure to make a timely application will result in expiration of

special nuclear material access authorization. Special nuclear material access authorization for which a timely application for renewal has been made be continued beyond the expiration date pending final action on the application. An application for renewal will consist of the following:

(1) A Personnel Security Questionnaire, completed by the applicant.

(2) A statement by the employer or contractor that at the time of application for renewal the individual's assigned or assumed job requires the level of special nuclear material access authorization which he or she holds, justified by appropriate reference to the licensee's security plan.

(d) If at any time, due to new assignment or assumption of duties, a change in special nuclear material access authorization level from NRC-'R' to 'U' is required, the individual shall apply for a change of level of special nuclear material access authorization. Such an application shall include a description of the new duties to be assigned or assumed, justified by appropriate reference to the licensee's security plan.

(e) Each application for special nuclear material access authorization, renewal, or change in level shall be accompanied by the employer's remittance according to the following schedule:

(1) New application, "U"-----	\$950
(2) New application, "R"-----	\$30
(3) Renewal "U" or "R"-----	\$30
(4) Change of level "R" to "U"-----	\$950
(5) Convert existing NRC or ERDA "Q" or "Q(X)" to U or R-----	No charge
(6) Convert existing NRC or ERDA "L" or "L(X)" to U-----	\$950
(7) Convert existing NRC or ERDA "Q", "Q(X)", "L", or "L(X)" to R-----	No charge

#### CRITERIA FOR DETERMINING ELIGIBILITY FOR ACCESS TO, OR CONTROL OVER, SPECIAL NUCLEAR MATERIAL

##### § 11.21 Application of the criteria.

(a) The decision to grant or deny special nuclear material access authorization is a comprehensive, common-sense judgment, made after consideration of all the relevant information, favorable or unfavorable, that to grant or deny special nuclear material access authorization is or is not inimical to the common defense and security and is or is not clearly consistent with the national interest.

(b) To assist in making these determinations, on the basis of all the information in a particular case, there are set forth in § 10.11 of this chapter a number of specific types of derogatory information. These criteria are not exhaustive but contain the principal types of derogatory information which in the opinion of the Commission create a question as to the individual's eligibility for special nuclear material access authorization. These criteria are subject to continuing review and may be revised from time to time as experience and circumstances may make desirable.

<sup>1</sup> This does not alter the requirement for methods to observe individuals within material access areas as stated in § 73.60(a) (7) of this chapter.

<sup>2</sup> Process times for special nuclear material access authorizations can be expected to be about 90 days for NRC-'U' and 30 days for NRC-'R'.



(c) When the reports of investigation of an individual contain information reasonably falling within one or more of the classes of derogatory information listed in § 10.11, the application of the criteria shall be made in light of and with specific regard to whether the existence of such information creates a question as to the individual's eligibility for special nuclear material access authorization by raising a reasonable belief that the individual would use his access to or control over special nuclear material for theft or diversion of special nuclear material, or sabotage which would endanger the public by exposure to radiation. The Executive Director for Operations may authorize the granting of special nuclear material access authorization on the basis of the information in the case or may authorize the conduct of an interview with the individual and, on the basis of such interview and such other investigation as he deems appropriate, may authorize the granting of special nuclear material access authorization. Otherwise, a question concerning the eligibility of an individual for special nuclear material access authorization shall be resolved in accordance with the procedures set forth in §§ 1020 through 10.37 of this chapter.

(d) In resolving a question concerning the eligibility or continued eligibility of an individual for special nuclear material access authorization by action of the Personnel Security Board,<sup>2</sup> the following principle shall be applied by the Board: Where there are grounds sufficient to establish a reasonable belief as to the truth of the information regarded as substantially derogatory and when the existence of such information raises a reasonable belief that the individual may use his access to or control over special nuclear material for theft or diversion of special nuclear material or sabotage which would endanger the public by exposure to radiation, this shall be the basis for a recommendation for denying or revoking special nuclear material access authorization if not satisfactorily rebutted by the individual or shown to be mitigated by circumstance.

**PART 50—LICENSING OF PRODUCTION AND UTILIZATION FACILITIES**

2. Paragraph (c) of § 50.34 is amended to read as follows:

§ 50.34 Contents of applications; technical information.

(c) Physical security plan. Each application for a license to operate a production or utilization facility shall include a physical security plan. The plan shall consist of two parts. Part I shall address vital equipment, vital areas, and isolation zones, and shall demonstrate how the applicant plans to comply with the

<sup>2</sup> The function of the Personnel Security Board is described in Part 10 of this chapter.

requirements of Part 73 of this chapter, if applicable, at the proposed facility including the identification and description of jobs at the proposed facility as required by § 11.11(a) of this chapter.<sup>3</sup> Part II shall list tests, inspections, and other means to be used to demonstrate compliance with such requirements, if applicable.

**PART 70—SPECIAL NUCLEAR MATERIAL**

3. Paragraph (h) of § 70.22 is amended to read as follows:

§ 70.22 Contents of applications.<sup>1</sup>

(h) Each application for a license to possess or use at any site or contiguous sites subject to control by the licensee uranium-235 (contained in uranium enriched to 20 percent or more in the uranium-235 isotope), uranium-233, or plutonium alone or in any combination in a quantity of 5,000 grams or more computed by the formula, grams = (grams contained U-235) + 2.5 (grams U-233 + grams plutonium), other than a license for possession or use of such material in the operation of a nuclear reactor licensed pursuant to Part 50 of this chapter, shall include a physical security plan, consisting of two parts. Part I shall address vital equipment, vital areas, and isolation zones, and shall demonstrate how the applicant plans to meet the physical protection requirements of Part 73 of this chapter in the conduct of the activity to be licensed including the identification and description of jobs as required by § 11.11(a) of this chapter. Part II shall list tests, inspections, and other means to demonstrate compliance with such requirements.

Dated at Washington, D.C. this 11th day of March, 1977.

For the Nuclear Regulatory Commission,

SAMUEL J. CHILK,  
Secretary of the Commission.

[FR Doc. 77-8023 Filed 3-16-77; 8:45 am]

**FEDERAL HOME LOAN BANK BOARD**

[ 12 CFR Part 555 ]

[ 77-174 ]

**FEDERAL SAVINGS AND LOAN SYSTEM**

Loans on Security of Real Estate and Pledged Savings Accounts

MARCH 9, 1977.

The following summary of the amendment proposed by this Resolution is provided for the reader's convenience and is subject to the full explanation in the following preamble and to specific provisions of the proposal.

I. *Present ruling.* Ruling § 555.4 does not allow a loan to be made under § 545.6-1(a) (4) for an amount in excess of the maximum therein provided (90 percent of value, with the excess secured by the pledge of a savings account as

collateral. By interpretation the ruling also applies to a loan under § 545.6-1(a) (5) (maximum 95 percent of value).

II. *Proposed amendment.* Ruling § 555.4 would be modified to allow a single real estate loan under § 545.6-1(a) (4) or (5) with a savings account pledged as security for the amount of the loan exceeding the maximum therein provided, but only if the savings account consists of the borrower's own funds.

III. *Reason for amendment.* Ruling § 555.4 was promulgated to preclude the use of brokered funds or funds provided by the lender, a builder, or another person as part of the collateral for a loan.

The use of such funds is believed to facilitate arrangements under which the value of the collateral could be inflated in order that the borrower may avoid having his own funds at risk. The proposed modification would make the ruling inapplicable when the savings account consists of the borrower's own funds.

The Federal Home Loan Bank Board believes it is desirable to propose to amend Part 555 of the Regulations for the Federal Home Loan Bank System (12 CFR Part 555) by revising § 555.4 thereof, to exempt from the prohibition against certain loans made on the combined security of real estate and savings accounts such loans secured in part by pledged savings accounts consisting of the borrower's own funds. The purpose of this proposal would be to increase the lending flexibility of Federal associations without lessening the ruling's intended effectiveness.

Interested persons are invited to submit written data, views and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 320 First Street N.W., Washington, D.C. 20552, by April 18, 1977, as to whether this proposal should be adopted, rejected, or modified. Written material submitted will be available for public inspection at the above address.

Accordingly, the Federal Home Loan Bank Board hereby proposes to amend Part 555 by revising § 555.4 thereof, to read as set forth below.

§ 55.4 Loans on the combined security of real estate and pledged accounts.

A loan may not be made under § 545.6-1(a) (4) or (5) of this subchapter for an amount in excess of the maximum therein provided, with such excess secured by the pledge of a savings account as collateral, unless:

(a) the savings account pledged to secure such excess consists of the borrower's own funds (i.e., not consisting of brokered funds or funds borrowed from the lender, a builder, or any other person); and

(b) the amount of the principal obligation of the loan will not exceed, at any time during the loan term, the loan-to-value limitations of the regulation (§ 545.6-1(a) (4) or (5)) under which the loan was originally made.



(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943-48 Comp., p. 1071.)

By the Federal Home Loan Bank Board.

J. J. FINN,  
Secretary.

[FR Doc. 77-7007 Filed 3-16-77; 8:45 am]

## DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[ 14 CFR Part 71 ]

[ Airspace Docket No. 77-GL-2 ]

### TRANSITION AREA

#### Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Bucyrus, Ohio.

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon, Des Plaines, Illinois 60018. All communications received on or before April 18, 1977 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief.

Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon, Des Plaines, Illinois 60018.

A new instrument approach procedure has been developed for the Port Bucyrus Airport, Bucyrus, Ohio. Controlled airspace is required to protect the procedure.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (42 FR 440), the following transition area is added:

#### BUCYRUS, OHIO

That airspace extending upward from 700 feet above the surface within a 5.5 mile radius of the Port Bucyrus Airport (latitude 40°48'30" N., longitude 82°58'15" W.).

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Depart-

ment of Transportation Act (49 U.S.C. 1655(c)).

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

Issued at Des Plaines, Illinois, on February 25, 1977.

JOHN M. CYROCKI,  
Director, Great Lakes Region.

[FR Doc. 77-7513 Filed 3-16-77; 8:45 am]

### [ 14 CFR Part 71 ]

[ Airspace Docket No. 77-SW-11 ]

### TRANSITION AREA

#### Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to alter the Bartlesville, Okla., transition area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. All communications received on or before April 18, 1977 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Texas. An informal docket will also be available for examination at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

#### § 71.181 [Amended]

In § 71.181 (42 FR 440), the Bartlesville, Okla., transition area is amended as follows:

#### BARTLESVILLE, OKLA.

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Phillips Airport (latitude 36°45'46" N., longitude 96°00'38" W.); and within 5 miles each side of the Bartlesville VORTAC 175° radial extending from the 9-mile radius to 21½ miles south of the VORTAC; and within 5½ miles west and 3½ miles east of the Bartlesville localizer north course extending

from the 9-mile radius to 12 miles north of the VORTAC.

The proposed alteration will provide controlled airspace for aircraft executing the localizer runway 17 instrument approach established for the Phillips Airport.

The FAA has determined that this document does not contain a major proposal requiring preparation of an Inflationary Impact Statement under Executive Order 11821 and OMB Circular A-107.

This amendment is proposed under the authority of Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Fort Worth, TX, on March 8, 1977.

PAUL J. BAKER,  
Acting Director, Southwest Region.

[FR Doc. 77-7863 Filed 3-16-77; 8:45 am]

### [ 14 CFR Part 71 ]

[ Airspace Docket No. 77-CE-5 ]

### FEDERAL AIRWAYS

#### Proposed Alteration

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would realign V-172 between Wolbach, Nebr., and Neola, Iowa.

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 601 E. 12th Street, Kansas City, Mo. 64106. All communications received on or before April 18, 1977 will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue, S.W., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

Request for copies of this notice of proposed rulemaking should be addressed to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, S.W., Washington, D.C. 20591. The FAA has determined that this document does not contain a major proposal requiring preparation of an Inflationary Impact Statement under Executive Order 11821 and OMB Circular A-107.

The proposed amendment would realign V-172 from Wolbach, Nebr., direct to Columbus, Nebr., direct to Neola, Iowa.

The Columbus, Nebr., VOR is being relocated from geographical coordinates



Lat. 41°26'43" N., Long. 97°20'36" W.; to Lat. 41°27'00.3" N., Long. 97°20'26" W. Consequently, Airways V-71 and V-220 will automatically move slightly without redesignation. However, to facilitate air traffic control service in the vicinity of the VOR, it is necessary to realign V-172 via the Columbus VOR.

This amendment is proposed under the authority of Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on March 10, 1977.

WILLIAM E. BROADWATER,  
*Chief, Airspace and  
Air Traffic Rules Division.*

[FR Doc. 77-7865 Filed 3-16-77; 8:45 am]

[ 14 CFR Part 71 ]

[Airspace Docket No. 76-PC-71]

TRANSITION AREA

Proposed Alteration; Extension of  
Comment Period

On January 21, 1977, a Notice of Proposed Rulemaking (NPRM) was published in the FEDERAL REGISTER (42 FR 3861) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the 700 feet transition area at Honolulu, Hawaii.

Due to technical difficulties, the FAA was unable to follow its usual procedures for advance distribution of NPRMs; thus, airspace users in the Honolulu area were not given amply opportunity to comment on the proposal prior to the comment period closing date. For this reason the comment period is hereby extended to March 22, 1977. All comments received before this date will be considered before final rulemaking is taken on the proposal.

This amendment is proposed under the authority of Sec. 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1510), Executive Order 10854 (24 FR 9565) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on March 10, 1977.

WILLIAM E. BROADWATER,  
*Chief, Airspace and  
Air Traffic Rules Division.*

[FR Doc. 77-7864 Filed 3-16-77; 8:45 am]

[ 14 CFR Part 71 ]

[Airspace Docket No. 77-SW-10]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to designate the Welch, Okla., transition area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be

submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. All communications received on or before April 18, 1977 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Texas. An informal docket will also be available for examination at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as herein-after set forth.

§ 71.181 [Amended]

In § 71.181 (42 FR 440), the following transition area is added:

WELCH, OKLA.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Patch Airport (latitude 38°52'39" N., longitude 95°08'58" W.)

The proposed transition area will provide controlled airspace for an instrument approach procedure established for the Patch Airport, Welch, Okla. Coincident with this action, the airport will be changed from VFR to IFR.

The FAA has determined that this document does not contain a major proposal requiring preparation of an Inflationary Impact Statement under Executive Order 11821 and OMB Circular A-107.

This amendment is proposed under the authority of Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and of Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Fort Worth, Texas, on March 8, 1977.

PAUL J. BAKER,  
*Acting Director,  
Southwest Region.*

[FR Doc. 77-7862 Filed 3-16-77; 8:45 am]

[ 14 CFR Part 71 ]

[Airspace Docket No. 77-SO-2]

ALTERATION OF FEDERAL AIRWAY

Proposed Alteration  
Correction

In FR Doc 77-6325 appearing at page 12190 in the issue of Thursday, March 3, 1977, in the third column, last para-

graph, fourth line down, the figure now reading, "(33°M)" should be corrected to read, "(331°M)".

[ 14 CFR Part 91 ]

[Docket No. 16431; Notice 77-2]

REGULATORY REVIEW PROGRAM

Extension of Submission Period

This notice extends the period for submission of proposals under Notice 77-2, published January 21, 1977 (42 FR 3863), which closes March 15, 1977.

The notice invited interested persons to submit proposals to amend Subpart B of Part 91 of the Federal Aviation Regulations, which prescribes flight rules governing the operation of aircraft within the United States. Due to a delay in printing and distributing copies of the notice and several requests for an extension of the time for submitting proposals by organizations which desire extra time to consult with their members, the FAA has decided that an extension of the closing date for submission would be appropriate. Therefore, the period for submission of proposals is hereby extended to April 8, 1977.

(Secs. 305, 307, 312, 313(a), and 601, Federal Aviation Act of 1958 (49 U.S.C. 1346, 1348, 1353, 1354(a), 1421); and section 6(c), Department of Transportation Act (49 U.S.C. 1655c).)

Issued in Washington, D.C., on March 11, 1977.

RAYMOND G. BELANGER,  
*Director, Air Traffic Service.*

[FR Doc. 77-7848 Filed 2-16-77; 8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[ 25 CFR Part 260 ]

INDIAN RESERVATIONS

Use of Water

Notice is hereby given that it is proposed to issue Part 260 of Title 25 of the Code of Federal Regulations. These regulations are proposed pursuant to the authority contained in Section 7 of the Act of February 8, 1887 (24 Stat. 390, 25 U.S.C. 1a), Revised Statute 463 (25 U.S.C. 2) and Revised Statute 465 (25 U.S.C. 9).

The purposes of these regulations are: (a) To fulfill the Department's trust responsibility to provide a method to preserve and protect in perpetuity all rights to the use of water reserved for the benefit of the Indians; (b) to recognize, provide for, and assist in the exercise of the sovereign authority of Indian tribes within their reservations to govern the use of all reserved water rights therein; (c) to provide for the delegation to Indian tribes of the Secretary's authority to prescribe rules and regulations distributing water on Indian reservations to persons and entities entitled to use reserved water rights; and (d) to provide for the present and future development of Indian reservations, including Indian Pueblos, through the use of their reserved water rights.



It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly interested persons may submit written comments, suggestions, or objections regarding the proposed regulations to the Commissioner of Indian Affairs, Department of the Interior, Washington, D.C. 20240, by April 18, 1977.

It is proposed that Part 260 of Title 25 of the Code of Federal Regulations will read as follows:

**PART 260—THE USE OF WATER ON INDIAN RESERVATIONS**

Sec.	
260.1	Definitions.
260.2	Purposes.
260.3	Approval of tribal water codes.
260.4	Codes with individual water permits.
260.5	Secretarial water codes.
260.6	Appeals.

**AUTHORITY:** Sec. 7, Act of February 8, 1887 (24 Stat. 390, 25 U.S.C. 381), Act of August 8, 1946 (60 Stat. 939, 25 U.S.C. 1a) Revised Statute 463 (25 U.S.C. 2) and Revised Statute 465 (25 U.S.C. 9).

**§ 260.1 Definitions.**

(a) "Secretary" means the Secretary of the Interior or his delegated representative.

(b) "Reserved water rights" means those rights to the use of waters recognized as reserved in accordance with the principles enunciated in *Winters v. United States*, 207 U.S. 564 (1908), and subsequent cases, which rights have either an immemorial priority or a priority date as of the establishment of the reservation.

(c) "Beneficial use" means any use of water, consumptive or otherwise, for agricultural, domestic, municipal, commercial, industrial, aesthetic, religious, or recreational purposes, or for the maintenance of adequate stream flows for fishery, environmental, or other beneficial purposes on an Indian reservation.

(d) "Just and equitable distribution of reserved water rights" means a method of allocating the available water among those entitled thereto in such a manner that all those similarly situated will be given an equal opportunity to make beneficial use of the water, the allocation being in such a manner as to alleviate hardship where possible.

(e) A "water code" or "code" shall mean ordinances, rules, and regulations adopted by the governing body of an Indian tribe which provide for regulation and control of the use of reserved water rights among those entitled thereto in accordance with the tribe's constitution, bylaws, or other applicable laws.

(f) "Indian tribe" or "tribe" means a tribe, band or identifiable group of Indians owning water rights for which the United States has a trust responsibility.

(g) A "use-by-use basis" means that a separate permit shall be issued for each separate use of water which shall contain all pertinent information with respect to that use. However projects such as irrigation projects may file a single consolidated application describing the exact

land to be served, each use planned and the amount, period, and nature thereof.

**§ 260.2 Purposes.**

The purposes of these regulations are:  
(a) To fulfill the Department's trust responsibility to provide a method to preserve and protect in perpetuity all rights to the use of water reserved for the benefit of the Indians;

(b) To recognize, provide for, and assist in the exercise of the sovereign authority of Indian tribes within their reservations to govern the use of all reserved water rights therein;

(c) To provide for the delegation to Indian tribes of the Secretary's authority to prescribe rules and regulations distributing water on Indian reservations to persons and entities entitled to use reserved water rights; and

(d) To provide for the present and future development of Indian reservations, including Indian Pueblos, through the use of their reserved water rights.

**§ 260.3 Approval of tribal water codes.**

(a) Any Indian tribe may adopt, with approval of the Secretary, and enforce a water code to control, distribute, allocate and regulate the use of reserved water rights on its reservation for a beneficial use by any person or entity, including non-Indian persons and entities, that may be entitled to exercise such reserved water rights. Upon adoption, this water code shall be submitted to the Commissioner of Indian Affairs who shall review the code and submit it, with his recommendation, to the Secretary for formal approval or disapproval.

(b) The Secretary shall approve the code if it satisfies the following requirements:

(1) The code affords procedural due process of law to all persons claiming the right to exercise reserved water rights, by providing the following:

(i) A method for establishing the amount, nature, period, and place of use of reserved waters. That method shall be based upon the principle of a just and equitable distribution of water among those entitled to the beneficial use thereof and may include the order of tribal priorities on the use of water within the reservation.

(ii) All procedures shall permit any person who claims a right to the beneficial use of reserved waters to present his claim by application to the tribe with any pertinent evidence in support thereof. All issues will be heard by an impartial administrative official or body duly constituted by the tribe. A written decision on such application will be rendered within a reasonable time and reasons shall be given for each decision.

(iii) Notice of hearings on all applications shall be given in a reasonable manner such as to afford interested persons the opportunity to support or contest any claimed rights.

(iv) A complete record of all applications, actions taken thereon, and any permits issued shall be maintained by the tribe and shall be open for public inspection on the reservation.

(2) The code affords aggrieved persons the opportunity to seek judicial review of administrative determinations.

(3) The tribe possesses the capacity to administer the code.

(4) The code is limited to administration and enforcement of reserved water rights as defined in this Part.

(5) The code does not seek to regulate rights to the use of water granted or created by federal statute to purchasers of land within an irrigation project located within any Indian reservation and administered by the Bureau of Indian Affairs pursuant to 25 CFR 191-203. The code recognizes the continued existence of such rights with the same priorities (relative to the reserved water rights regulated by the code) that those rights would have had absent enactment of the code.

(6) The code is subject to pertinent acts of Congress and to binding judicial decisions concerning reserved water rights.

(7) Amendments to the code require approval by the Secretary.

**§ 260.4 Codes with individual water permits.**

(a) At the option of the tribe, the code may adopt an individual permit system authorizing the diversion and use of water on a use-by-use basis. Where a permit system is utilized:

(1) Permits may state the amount and periods of use in terms of diversion and/or consumptive use, specify by description the tract where the use is to occur, and the nature of the use.

(2) Permits may be issued for existing and potential uses including storage.

(3) A time period may be set for exercise of each potential use upon which a permit is issued, and changes in time, place and nature of use may be permitted.

(4) A permit may be issued for each potential use established by reservation land and water use inventories.

(5) Extensions of time for exercise of the right acquired in such permit may be given upon good cause shown.

(6) All permits may be subject to such reasonable conditions as the tribal governing body or its designated administrative officials or body shall determine to be necessary to carry out the purpose of the code.

(7) Procedures may be employed for enforcement or permits and cancellation of a permit in the event of substantial violation of its conditions.

(8) Temporary use permits may be granted for limited periods pending action upon application for a regular water permit.

(b) The code may also provide that permits shall be submitted to the superintendent of the Bureau of Indian Affairs agency having jurisdiction over the reservation for his approval. Such other documents or material as are pertinent to the permit or necessary to enable him properly to review the permit shall also be submitted to the superintendent. The superintendent, after review thereof, shall, within 30 days, approve the per-



mit, approve the permit on condition that modifications be made thereto, or disapprove the permit. If the permit is approved with modifications or disapproved, the superintendent shall return the permit to the governing body of the tribe or its designated administrative official or body together with a statement of the modifications needed for approval or the reasons for disapproval. When approved by the superintendent, the permit granted by the governing body of the tribe or its designated administrative official or body shall be a federal permit and be enforced as if it had been issued by the Secretary. Failure to act on the permit within 30 days of receipt by the superintendent shall constitute approval.

(c) The tribal governing body may at its discretion call upon the field offices established in 111 DM 13.5 of the Department of the Interior Manual for an Indian Affairs Administrative Law Judge to assist the tribe in the conduct of any administrative hearing it may conduct with respect to applications for water permits under its water code. The request shall be addressed to the Chief Administrative Law Judge, Office of Hearings and Appeals, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Upon receipt of the request, an Indian Affairs Administrative Law Judge capable of conducting administrative water hearings shall be assigned to hold hearings and issue findings of fact and conclusions of law to assist the tribe in particular hearings at the time and place selected by the tribe. Such hearings shall be conducted pursuant to 111 DM 13 and 211 DM 13.7 of the Department of the Interior Manual.

(d) The code may, in addition to the requirements in Part 260.3(b), contain any other lawful provision.

#### § 260.5 Secretarial water codes.

(a) If a tribe fails to enact an approved water code for its reservation and the Secretary finds that such a code is necessary to preserve and protect the reserved water rights of the Indians, the Secretary shall notify the tribe in writing of such need and offer assistance in the preparation of an acceptable water code. If such tribe notifies the Secretary that it elects not to enact a water code or if the tribe does not respond within 60 days from the date of the request, the Secretary may prepare and publish a water code for such reservation. The water code shall cover at least the areas set forth in Part 260.3(b) above, and shall otherwise comply fully with these regulations.

(b) In this code, the Secretary may act on behalf of the tribe in the issuance of permits and the regulation of the reserved water rights of the reservation.

(c) When said water code has been completed, it shall be submitted to the governing body of the tribe of the reservation for its review and comment thereon and to make revisions thereto, following which the water code shall be enforced by the Secretary as to the reservation covered by such code.

(d) The code may be amended by the Secretary from time-to-time subject to rights under existing permits after submitting such amendments to the governing body of the tribe for its approval. *Provided, however,* That any amendment shall become effective if the tribe neither approves nor disapproves the amendment within 60 days.

(e) The tribe may replace such a code with one adopted by it at any time, or it may amend the code, with approval of the Secretary.

#### § 260.6 Appeals.

Where the provisions of §§ 260.4 and 260.5 have been utilized, appeals from the superintendent's approval of the permit or other determinations of the superintendent or other Department officials concerning any person's right to the use of water shall be within the jurisdiction of the Board of Indian Appeals in the Office of Hearings and Appeals, Office of the Secretary, Department of the Interior. A hearing shall be held on the appeal by the Board at which the tribe and the appealing party may appear and present evidence and argument. When practicable, this hearing shall be held on or near the reservation. A determination by the Board of Indian Appeals shall be final and there shall be no further administrative remedy available.

Dated: March 7, 1977.

CECIL D. ANDRUS,  
Secretary of Interior.

[FR Doc. 77-7886 Filed 3-16-77; 8:45 am]

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

[33 CFR Parts 160 and 165]

[CGD 75-205]

### SAFETY ZONES

#### Proposed Authorization

The Coast Guard proposes to amend the ports and waterways safety regulations by adding a new part authorizing the establishment of safety zones. The Coast Guard would protect vessels, structures, waters, and shore areas by establishing water or waterfront safety zones, by limiting access to the zones, and by controlling movement in the zones.

Interested persons may participate in this proposed rulemaking by submitting written data, views, or arguments concerning the proposal to Commandant (G-CMC/81), U.S. Coast Guard, Washington, D.C. 20590. Each person submitting comments should include his name, address and organization, if any, identify the notice number (CGD 75-205), and give reasons for any recommended change in the proposal. Copies of all written comments received will be available for examination in Room 8117, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, D.C.

All comments received on or before April 29, 1977, will be fully considered

before final action is taken on this proposal.

This proposed amendment would create a method under the Ports and Waterways Safety Act of 1972 (33 U.S.C. 1221 et seq.) to protect designated areas for safety and environmental protection purposes. The Coast Guard currently uses Security Zones (33 CFR Part 127) under the Magnuson Act (50 U.S.C. 191) to protect designated areas. The Magnuson Act is intended to protect national security, and regulations issued under it are dependent on a Presidential finding that the security of the United States is endangered. Security zones would continue to be used for port security purposes. The proposed safety zones would be used in lieu of security zones for safety and environmental protection purposes.

Under the proposed regulations the Coast Guard could establish a safety zone around a damaged or burning vessel to facilitate access for fire or rescue units and to protect uninvolved persons or vessels. A safety zone could be used to ensure safe transit of a vessel carrying dangerous cargo. It might be established for a long period of time to safeguard a vessel grounded or sunk in or near a navigable channel or to keep vessels off an uncharted shoal before marking or dredging. Safety zones could be established to protect shoreside dangerous cargo or to limit access to shoreside areas with fires or explosions. These regulations are intended to be invoked on a temporary and usually emergency basis to deal with a situation beyond the scope of normal safety or security procedures.

When a safety zone is established, the Captain of the Port (COTP) would authorize who and what may be in the zone. Whoever is in a safety zone, whether authorized by the COTP or not, would be required to obey any lawful order of the COTP, District Commander, or their authorized representative.

Failure to obey these regulations could result in the penalties in 33 CFR 160.15. To promote safety and protect the environment, the Coast Guard would be able to not only limit access to the zone but also to control activities within the zone.

In consideration of the foregoing it is proposed to amend Title 33, Code of Federal Regulations as follows:

#### § 160.11 [Amended]

1. By amending § 160.11 by striking the word "part" and inserting the word "subchapter" in place thereof.

2. By adding a new Part 165 to read as follows:

### PART 165—SAFETY ZONES

#### Subpart A—General

Sec.	
165.01	Purpose.
165.05	Definitions.
165.10	Delegation.
165.15	Application procedures.
165.20	General regulations.



**Subpart B—List of Safety Zones [Reserved]**

**AUTHORITY:** Sec. 104, 86 Stat. 427 (33 U.S.C. 1224); 49 CFR 1.46(n) (4).

**§ 165.01 Purpose.**

The purpose of this part is to set forth the procedures for the establishment of safety zones for protection of vessels and structures and their contents, water and shore areas, to set forth regulations applicable to the zones, and to list specific safety zones when they are established for more than 60 days.

**§ 165.05 Definitions.**

For the purposes of this part:

"Safety zone" means an area of water, shore area and water, or shore area to which access is limited to persons, vehicles, vessels, or objects, with authorization to enter the zone from the Captain of the Port. It may be stationary and described by fixed limits or it may be described as a zone around a vessel in motion.

"Vehicle" means every type of conveyance capable of being used as a means of transportation on land.

**§ 165.10 Delegation.**

The Commandant delegates to the Captain of the Port or the District Commander authority to establish safety zones. The establishment of a safety zone may be based on a request under the procedures in § 165.15.

**§ 165.15 Application procedures.**

(a) Any person may request that the Captain of the Port or the District Commander establish a safety zone. Except as provided in paragraph (b) of this section, the request must be in writing. Each request must include the following:

- (1) The name of the person submitting the request.
- (2) The location and boundaries of the safety zone.
- (3) The date, time, and duration of the safety zone.
- (4) Description of activities within the safety zone.
- (5) The reason for the request.

(b) If for good cause the request for the safety zone is made less than 5 working days before the zone is requested to be established, the request may be made orally, but it must be followed by a written request within 24 hours after the oral request.

**NOTE.**—The procedures used by the Captain of the Port to notify persons of the establishment of a safety zone vary depending on circumstances and emergency conditions.

Notification of the establishment of a safety zone may be by marine broadcasts,

local notice to mariners, local news media, distribution in leaflet form, on-scene verbal notice or publication in the **FEDERAL REGISTER**. Notification normally contains the physical boundaries of the zone, the reasons for the safety zone, estimated duration of the zone and the method of obtaining authorization to enter the safety zone.

Notification of the termination of a safety zone is usually made in the same form as the notification of the establishment of a zone.

**§ 165.20 General regulations.**

Unless otherwise provided in this part—

(a) No person may enter a safety zone unless authorized by the Captain of the Port or the District Commander;

(b) No person may bring or cause to be brought any vehicle, vessel, or object into a safety zone unless authorized by the Captain of the Port or the District Commander;

(c) No person may remain in a safety zone or allow any vehicle, vessel or object to remain in a safety zone unless authorized by the Captain of the Port or the District Commander; and

(d) Each person in a safety zone shall obey any lawful order or direction of the Captain of the Port, District Commander, or their authorized representative issued to carry out the purposes of this part.

(Sec. 104, 86 Stat. 427 (33 U.S.C. 1224); 49 CFR 1.46(n) (4).)

**NOTE.**—This proposal has been reviewed for economic and inflationary effects under Executive Order 11821, OMB Circular A-107, and DOT Order 2050.4 of February 2, 1976. This proposal is not major and does not require an Inflationary Impact Statement.

Dated: March 11, 1977.

O. W. SILER,  
Admiral, U.S. Coast Guard,  
Commandant.

[FR Doc.77-7870 Filed 3-16-77;8:45 am]

[CGD 76-154]

[46 CFR Part 182]

**GASOLINE AND DIESEL FUEL TANKS****Filling and Sounding Pipes**

• **Purpose.** This proposed amendment to the small passenger vessel (under 100 gross tons) regulations would eliminate the requirements for filling and sounding pipes for gasoline and diesel fuel tanks to be so arranged that any overflow of liquid is discharged overboard. •

Interested persons are invited to participate in this proposed rule making by submitting written views, data, or arguments to the Executive Secretary, Marine Safety Council, U.S. Coast Guard, Room

8117, 400 7th Street, SW., Washington, D.C. 20590. Each person submitting a comment should include his name and address, identify this notice (CGD 76-154), specify the specific section of the proposal to which his comment applies, and give the reason for his comment.

The proposal may be changed in light of comments received. All comments received before April 28, 1977, will be considered before final action is taken on this proposal. Copies of all written comments received will be available for examination by interested persons in Room 8117, Nassif Building, 400 Seventh St., SW., Washington, D.C.

The requirements in 46 CFR 182.15-30 (b) and 182.20-30(b) were promulgated (25 FR 9332, September 29, 1960), by the Coast Guard as safety requirements. The problem addressed, at the time of promulgation, was to prevent fire and explosion on small passenger vessels and not to prevent pollution of the navigable waters. The requirements in the two sections have never been amended.

Subsequent to 1960, Pub. L. 92-500, the Federal Water Pollution Control Act (82 Stat. 816, 33 U.S.C. 1251), was enacted by Congress. The discharge of oil (defined in 33 U.S.C. 1321 as oil of any kind or in any form, including, but not limited to, petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil) into or upon the navigable waters of the United States, adjoining shorelines, or upon the waters of the contiguous zone in harmful quantities is prohibited by Section 311 of that legislation (33 U.S.C. 1321). The requirements of 46 CFR 182.15-30(b) and 182.20-30(b) are now in conflict with the requirements of the Federal Pollution Control Act.

This document proposes to eliminate that conflict in §§ 182.15-30(b) and 182.20-30(b) by removing the requirements for filling and sounding pipes in gasoline and diesel fuel tanks to discharge overboard. This would be accomplished by striking the words "but will discharge overboard" from the first sentences of §§ 182.15-30(b) and 182.20-30(b).

(Sec. 3, 70 Stat. 152 (46 U.S.C. 390(b)); sec. 6(b) (1), 80 Stat. 937 (49 U.S.C. 1655(b) (1)); 49 CFR 1.46(b).)

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

Dated: March 1, 1977.

E. L. PERRY,  
Vice Admiral, U.S. Coast Guard,  
Acting Commandant.

[FR Doc.77-7869 Filed 3-16-77;8:45 am]



# notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

## OFFICE OF THE FEDERAL REGISTER EDUCATIONAL WORKSHOPS ON HOW TO USE THE FEDERAL REGISTER

Region VI Workshops in Dallas, Fort Worth,  
Waco, and El Paso, Texas

The Office of the Federal Register (OFR) will hold four separate workshops on "The FEDERAL REGISTER—What It Is and How to Use It" in Dallas, Fort Worth, Waco, and El Paso, Texas, as part of the General Services Administration's Consumer Representation Plan.

### DALLAS WORKSHOP

Date: Tuesday, April 12, 9:00 a.m. (reservations required).

Location: Room 7A23, Earl Cabell Federal Building, 1100 Commerce, Dallas, Texas.

Reservations: Connie Burke, 214-749-3355.

### FORT WORTH WORKSHOP

Date: Tuesday, April 12, 1:30 p.m. (reservations required).

Location: Room 104, U.S. Courthouse, 10th and Lamar Streets, Fort Worth, Texas.

Reservations: Chris Horton, 817-334-3285.

### WACO WORKSHOP

Date: Wednesday, April 13, 1:30 p.m. (reservations required).

Location: Courtroom 110, Morrison Constitution Hall, Baylor University School of Law, Waco, Texas.

Reservations: Basil Thomson, 817-755-2561.

### EL PASO WORKSHOP

Date: Monday, April 18, 9:00 a.m. (reservations required).

Location: Room 512, U.S. Courthouse, 500 East San Antonio Street, El Paso, Texas.

Reservations: Lupe Romero, 915-543-7714.

### AGENDA

The content of each workshop session will be identical. Each workshop will last for approximately three hours and will cover the following areas:

1. A brief history of the FEDERAL REGISTER.
2. The difference between legislation and regulations.
3. The relationship of the FEDERAL REGISTER and the Code of Federal Regulations.
4. Important elements of a typical FEDERAL REGISTER document.
5. An introduction to the finding aids of the OFR and a practical exercise using those finding aids.

The OFR does not interpret specific agency regulations and the workshops will not provide a forum for the discussion of substantive questions. Rather, the workshops are designed as an introduction for the person who discovers that he or she must use the FEDERAL REGISTER

publications to keep track and to gain an understanding of Federal regulations.

FRED J. EMERY,  
Director of the  
Federal Register.

[FR Doc. 77-8292 Filed 3-16-77; 11:07 am]

## DEPARTMENT OF AGRICULTURE

Farmers Home Administration

[Notice of Designation Number A455]

### WISCONSIN

#### Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching or aquaculture operations have been substantially affected in the following Wisconsin Counties as a result of drought January 1 through December 31, 1976:

La Crosse

Trempealeau

Therefore, the Secretary has designated this area as eligible for emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Public Law 94-68, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Patrick J. Lucey that such designation be made.

Applications for emergency loans must be received by this Department no later than April 26, 1977, for physical losses and November 25, 1977, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, D.C., this 11th day of March 1977.

FRANK W. NAYLOR, Jr.,  
Acting Administrator,  
Farmers Home Administration.

[FR Doc. 77-7905 Filed 3-16-77; 8:45 am]

### Forest Service

#### GRAZING FEE TASK FORCE

##### Charter and Requests for Comments

CROSS REFERENCE: For a document issued jointly by the Department of Agriculture's Forest Service and the Department of the Interior's Bureau of Land Management on the subject of Grazing Fee Task Force Charter, see FR Doc. 77-7840 appearing in this issue.

## CIVIL AERONAUTICS BOARD

[Docket No. 24248; Order 77-3-60]

### AEROLINEAS ARGENTINAS

#### Schedules

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 10th day of March, 1977.

On February 22, 1977, the Board adopted its Notification and Order Disapproving Schedules in this proceeding. The Board's order was submitted to the President of the United States pursuant to Part 213 of the Economic Regulations. The first full paragraph on page 3 of the order as submitted read as follows:

The United States Government has on numerous occasions during the past three months requested the Argentine authorities to reconsider their decision on these issues pending consultations. Thus far the Argentine authorities have declined to do so.

The Office of Management and Budget has advised that the President's decision not to stay or disapprove the Board's order was conditioned on changing that paragraph to read as follows:

The United States Government has on numerous occasions in the past requested the Argentine authorities to reconsider their decision on these issues. Thus far the Argentine authorities have declined to do so.

Accordingly, it is ordered:

1. That the first full paragraph on page 3 of the Notification and Order Disapproving Schedules be revised to read as follows:

The United States Government has on numerous occasions in the past requested the Argentine authorities to reconsider their decision on these issues. Thus far the Argentine authorities have declined to do so.

2. That the said order as revised be issued forthwith as Order 77-3-59.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,  
Secretary.

[Docket 24248; Order 77-3-59]

### AEROLINEAS ARGENTINAS

#### NOTIFICATION AND ORDER DISAPPROVING SCHEDULES

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 22d day of February, 1977.

Aerolineas Argentinas is the holder of a foreign air carrier permit, issued pursuant to Order 73-5-47, which authorizes it to perform foreign air transportation with respect to persons, property, and mail, over three routes between: (1) a point or points in Ar-

<sup>1</sup> A copy of the OMB letter is attached.

<sup>2</sup> Approved by the President on May 8, 1973.



gentina, the intermediate points Sao Paulo, Rio de Janeiro, and Belem, Brazil; Port of Spain, Trinidad and Tobago; and Havana, Cuba, and the terminal point New York, New York; and (2) a point or points in Argentina, the intermediate points Santiago and Antofagasta, Chile; La Paz, Bolivia; Lima, Peru; Guayaquil, Ecuador; and Panama City, Panama, and the coterminal points Miami, Florida and New York, New York; and (3) a point or points in Argentina, the intermediate points Lima, Peru; Bogota, Colombia; and Mexico City, Mexico,<sup>2</sup> and the terminal point Los Angeles, California; and to engage in charter trips subject to Part 212 of the Board's Economic Regulations.

As there exists no civil air transport agreement between the Government of the United States and the Government of Argentina, the rights exchanged are based on comity and reciprocity.

Order 72-2-88 required Aerolineas to file with the Board copies of its existing schedules of service between Argentina and the United States and all proposed schedules at least 30 days prior to the proposed effective date of such schedules. Aerolineas' current schedules were filed with the Board on December 3, 1976.

The Government of Argentina has issued various licenses to Braniff Airways, Inc. and to Pan American World Airways, Inc. authorizing scheduled air service between specified points in the United States and Buenos Aires, via named intermediate points. These licenses set forth the specific flights authorized, including the exact itinerary of each flight, and the type of aircraft to be operated. If the carrier wishes to implement any change, it must apply for a license amendment.

On December 13, 1976, the Government of Argentina notified Braniff that quotas have been imposed on its carriage of traffic between Buenos Aires and Santiago and between Buenos Aires and La Paz. For the first six months of 1977 Braniff received a quota of 3,089 passengers in both directions on the Buenos Aires-Santiago sector, and 1,506 on the Buenos Aires-La Paz, Bolivia sector—some 70 percent less than Braniff carried during a similar period in 1976. The restriction will, in effect, require Braniff shortly to terminate its carriage of traffic from these points to Argentina.

On December 29, 1976, the Government of Argentina notified Braniff that it had been fined for having carried slightly more Fifth Freedom traffic than Third and Fourth Freedom traffic during the year 1975, and they have initiated similar action for 1976.

Buenos Aires lies at the end of a route approximately 6,200 miles long. Due to the length of the route, Braniff has found it necessary to integrate its service to Buenos Aires with its service to several smaller cities on the west coast of South America. Therefore some passengers on each flight deplane before reaching Buenos Aires and others enplane at intermediate points en route to the United States. This passenger movement enables Braniff to accommodate some local traffic to and from Buenos Aires. However, due to the shorter distances between the intermediate points and Buenos Aires and consequently lower fares, compared to the overall length of the United States-Buenos Aires route, which is reflected in proportionately higher fares, Braniff derived only an estimated 30 percent of its revenues from such local traffic, an entirely reasonable proportion considering the length of the route.

<sup>2</sup> We are aware that the Government of Mexico has, to date, denied the Argentine carrier traffic rights between Mexico and the United States.

In addition to its restrictions on Braniff the Argentine Government has also imposed unreasonable restrictions on Pan American. In order to operate its services most efficiently Pan American has found it necessary to change the gauge of its aircraft at points north of Buenos Aires. To date the Argentine authorities have permitted such changes only at Caracas and Panama City. Since these changes avoid capacity increases into Buenos Aires regardless of where they occur, there is no economic reason for denying Pan American this flexibility.

Furthermore, both Braniff and Pan American occasionally find it necessary to omit or restore service at intermediate points. The Government of Argentina has on numerous occasions delayed or taken no action on such applications, and has denied others. In addition, the requirement of the Argentine aeronautical authorities for licensing specific itineraries, and delays in acting on applications for amendments of such licenses, together with uncertainties as to what action may be taken, and on several occasions denials, have adversely affected the flexibility of the operations of Braniff and Pan American.

The United States Government has on numerous occasions in the past requested the Argentine authorities to reconsider their decision on these issues. Thus far the Argentine authorities have declined to do so.

The United States Government has granted Aerolineas Argentinas traffic rights to Los Angeles, Miami, and New York. Due to the geographic position of these cities and their importance as junction points, the Argentine carrier has access to the major gateways serving the U.S. market of 210 million persons. The Argentine carrier also holds traffic rights between the United States and numerous intermediate points. The United States carriers have been granted traffic rights to one city in Argentina, Buenos Aires, which gives them access to a market of approximately 25 million persons. They also hold traffic rights between certain intermediate points and Buenos Aires. However, the markets between the United States and other countries in North and South America and the Caribbean to which the Argentine carrier has been granted access are many times larger and more valuable than the markets between Argentina and certain intermediate points to which the U.S. carriers have been granted access.<sup>3</sup>

Upon consideration of these matters, the Board finds that the Government of Argentina has taken unilateral restrictive action against the operations of Braniff and Pan American which has significantly impaired and limited the operating rights of the U.S. carriers. Furthermore, the operating flexibility denied Braniff and Pan American has prevented the carriers from obtaining the benefits of operating their routes in the most efficient manner.

These actions have upset the foundation of reciprocity upon which the rights granted to Aerolineas are based. It is, therefore, contrary to the public interest to permit Aerolineas to continue unrestricted operation of its significantly larger Fifth Freedom markets to the United States, and to operate its service with unimpaired flexibility, while Braniff's Fifth Freedom operations to Buenos Aires continue to be substantially restricted and while Braniff and Pan American con-

<sup>3</sup> For example, in 1976 estimates show that 101,000 passengers traveled by air between Lima and Buenos Aires compared to 172,500 between Lima and New York, Miami, and Los Angeles. The value of the Lima-New York/Lima-Los Angeles market was almost three times greater than that of the Lima-Buenos Aires market: \$47,018,000 versus \$15,773,000.

tinue to be denied appropriate flexibility in their operations. In order to restore the balance of benefits, the Board finds that the public interest requires that appropriate restrictions be placed on Aerolineas' traffic and operational rights between the United States and Lima and Mexico City. Specifically, we will withdraw the flexibility (i.e., the right to carry Fifth Freedom traffic between Lima and the United States, and to exercise the flexibility of combining their Lima service with United States service) which Aerolineas now exercises by its stops at Mexico City on its Los Angeles route,<sup>4</sup> and will limit their currently authorized scheduled service to Lima (six round-trip flights per week) to two weekly round trips. These limitations will result in a partial restoration of the reciprocity which must exist, if Aerolineas' operations to the United States are to be permitted to continue.

The Board would be willing to reconsider and postpone its action should the Governments of Argentina and the United States mutually agree to postpone the restrictions on the U.S. carriers by suspending the proceedings with respect to Braniff's Freedom composition, suspending the quotas on Braniff's operations between Santiago-Buenos Aires and La Paz-Buenos Aires, granting Pan American the right to change gauge at any point north of Buenos Aires, and permitting the omission or restoration of service to intermediate points by both carriers, pending consultations between the two governments.

Accordingly, it is ordered, That: 1. The schedules filed by Aerolineas on December 3, 1976, insofar as they provide for any stop at Mexico City to deplane or enplane traffic in either direction, and for more than two scheduled flights per week in each direction between the United States and Lima, be, and they hereby are, disapproved, and effective 30 days from the date of service of this order, Aerolineas shall cease operating such schedules to the extent so disapproved;

2. This order shall be submitted to the President<sup>5</sup> and shall become effective on March 10, 1977;

3. This order shall remain in effect until further order of the Board; and

4. This order shall be served on Aerolineas Argentinas and the Ambassador of Argentina in Washington, D.C.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board,

PHYLLIS T. KAYOR,  
Secretary.

EXECUTIVE OFFICE OF THE PRESIDENT,  
OFFICE OF MANAGEMENT AND BUDGET,  
Washington, D.C., March 10, 1977.

HON. JOHN E. ROBSON,  
Chairman, Civil Aeronautics Board,  
Washington, D.C.

DEAR MR. CHAIRMAN: This is to confirm informal discussions between our staffs regarding a modification in the Board's order, Aerolineas Argentinas, Docket 24248, reviewed by the President. Modification of the first full paragraph on page three of the order was made during the White House clearance process.

<sup>4</sup> As noted, supra note 2, due to Mexican Government restrictions, Aerolineas is not permitted to carry traffic between Mexico City and the United States.

<sup>5</sup> This order was submitted to the President on February 23, 1977.



The paragraph submitted to the President was as follows:

The United States Government has on numerous occasions in the past requested the Argentine authorities to reconsider their decision on these issues. Thus far the Argentine authorities have declined to do so.

Public disclosure of the Board's order, in compliance with Executive Order 11920 should, therefore, contain the above noted revision with the appropriate notice to advise the public of this change. Attached is a copy of page three of the order, for your records, which was submitted to the President.

Sincerely,

JOYCE J. WALKER,  
Deputy Associate Director,  
Economics and Government.

[PR Doc.77-7773 Filed 3-15-77;11:36 am]

[Docket No. 24248; Order 77-3-68]

### AEROLINEAS ARGENTINAS Order Regarding Schedules

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

On March 11, 1977 the Board, pursuant to Part 213 of the Board's Economic Regulations, issued Orders 77-3-59 and 77-3-60 disapproving certain of the schedules filed by Aerolíneas Argentinas on December 3, 1976.

The Department of State has requested the Board to withdraw the orders pending the outcome of talks which are now in progress between representatives of the Governments of the United States and Argentina.

In order to facilitate resolution of the civil aviation issues pending between the two countries through consultations, we have decided to withdraw our prior orders disapproving certain schedules filed by Aerolíneas Argentinas.

Accordingly, it is ordered, That: 1. Effective March 11, 1977, Orders 77-3-59 and 77-3-60 are hereby withdrawn.

2. This order shall be served on Aerolíneas Argentinas and the Ambassador of Argentina in Washington, D.C.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,  
Secretary.

[PR Doc.77-7772 Filed 3-15-77;8:45 am]

[Order 77-3-62; Docket No. 29123; Agreements C.A.B. 26210 R-1-R-23, etc.]

### INTERNATIONAL AIR TRANSPORT ASSOCIATION

#### Order

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 11th day of March, 1977.

In the matter of Agreements adopted by Traffic Conference 1 of the International Air Transport Association relating to Western Hemisphere passenger fares Docket No. 29123; Agreements

C.A.B. 26210 R-1 through R-23 Agreement C.A.B. 26212 R-1 through R-4 Agreement C.A.B. 26213 R-1 through R-20.

By Order 76-11-141, November 29, 1976, the Board established procedural dates for the receipt of carrier justification and third-party comments on agreements reached by the International Air Transport Association (IATA) which would establish U.S.-Caribbean and U.S.-South/Central America long-haul passenger fares for the period through March 31, 1978.

As set forth in the referenced order, effective April 15, 1977, U.S.-Caribbean first-class fares would be increased by seven to 10 percent and normal economy fares would be increased generally by four percent, with the resultant round-trip dollar amount of the increase applied to all promotional fares. In addition, a new group-40 GIT fare between the U.S. and the Netherlands Antilles is proposed, as well as changes in the definition of peak season and weekend periods for certain fares.

Effective May 1, 1977, U.S.-South America first-class fares would generally be increased to 155 percent of the normal economy fare, and the latter would be increased \$20 or \$30 round-trip as would all promotional fares. U.S.-Central America first-class fares would be increased five percent; normal economy fares three to four percent; and promotional fares four to 17 percent. In addition, several structure changes are proposed.

Justification with supporting financial data has been submitted by American Airlines, Inc. (American), Braniff Airways, Inc. (Braniff), Delta Air Lines, Inc. (Delta), Eastern Air Lines, Inc. (Eastern), and Pan American World Airways, Inc. (Pan American).

#### U.S.-CARIBBEAN

The following table summarizes the carriers' expected results under the agreement in their U.S.-Caribbean scheduled passenger service for the forecast year ending March 31, 1978, as compared with expected results with present fares, using the revenue-offset method for cargo to arrive at passenger expenses. The four U.S. carriers anticipate an improvement of \$8.2 million in operating revenues and a composite return on investment (ROI) of 12.6 percent under the proposed fares for the forecast year.

Carrier	Present fares ROI, percent	Proposed fares, percent	
		ROI	Passenger LF
American.....	20.5	25.3	59.4
Delta <sup>1</sup> .....	18.4	20.5	58.3
Eastern.....	1.7	7.8	56.9
Pan American..	(2.7)	(0.8)	57.5
Total for U.S. carriers.	8.5	12.6	58.1

<sup>1</sup> Year ending June 30, 1977. Includes nonscheduled operations.

<sup>2</sup> Reflects correction of minor computation error.

#### U.S.-SOUTH/CENTRAL AMERICA (LONG-HAUL)

With respect to U.S.-South/Central America long-haul services for the year ending March 31, 1978, the U.S. carriers anticipate an improvement of \$8.7 million in operating revenues and an overall ROI of 10.2 percent under the proposed fares. The following table summarizes the economic justifications provided by the two U.S. carriers operating in this market, using the revenue-offset method for the treatment of cargo.

Carrier	Present fares ROI, percent	Proposed fares, percent	
		ROI	Passenger LF
Braniff.....	11.1	15.9	51.7
Pan American..	5.2	6.5	51.8
Total for U.S. carriers.	7.4	10.2	51.7

#### FINDINGS

Upon full consideration of the agreements and the carriers' justifications, the Board has determined to approve the agreements with the exceptions noted below.

Our analysis of the carriers' justifications and forecasts for the Caribbean market, including adjustments described below, indicates that the composite return on investment for the forecast period would be 9.1 percent under present fares. With the additional revenue of \$9.5 million anticipated under the proposed fares, this return would increase to 13.8 percent.<sup>1</sup>

As indicated, the Board has adjusted the data submitted by the carriers. First, Pan American's factor reflecting demand elasticity has been eliminated consistent with past Board policy with respect to this issue.<sup>2</sup> Second, American and Eastern and forecast fuel-cost increases over that experienced during the historical period which are greater than those reflected in their reports to the Board on Form P-12a. The overstatements in fuel expense amount to \$507,000 and \$551,000, respectively, and we have adjusted each forecast accordingly.<sup>3</sup>

<sup>1</sup> This may, indeed, be somewhat understated since Delta has assumed that any traffic growth it might have experienced with a continuation of present fares would be offset because of the proposed fare increase. American forecasts a 9.8-percent traffic growth rate, while both Eastern and Pan American are planning to reduce Caribbean operations although Pan American anticipates a slight (1 percent) growth in traffic with the elimination of elasticity.

<sup>2</sup> The Board's views on this issue are set forth in detail in Order 77-2-32 February 4, 1977, and need not be repeated here.

<sup>3</sup> With these adjustments, the anticipated effect of the recent OPEC fuel price increase has been eliminated from the forecast expenses of the four U.S. carriers. IATA is circulating a mail vote to increase international fares and rates, including the fares at issue here, by 1.5 to two percent to reflect the OPEC decision. The Board will consider that proposal when, and if, it is filed for approval.



It is clear that the composite return for the four carriers would exceed the Board's 12-percent guideline were the Board to approve the entire fare "package" proposed. Against this background, and for the reasons discussed below we will disapprove the portions of the agreement which would increase both normal economy fares and excursion fares. Based on the information supplied by American and Pan American (the only carriers which supplied data on economy-class yield), the proposed economy fares would exceed economic cost for both carriers at their respective forecast load factors. Under these circumstances, an increase in these fares does not appear warranted. This conclusion is consistent with actions which we have taken in other areas,<sup>4</sup> and reduces the composite return estimated for the U.S. carriers to approximately 12.4 percent under the proposed fares.<sup>5</sup> Accordingly, even without an increase in economy fares the carriers as a group will continue to operate above the 12-percent ROI benchmark.

Excursion fares<sup>6</sup> approach 50 percent of the traffic and revenue in the Caribbean market, according to data supplied by American and Pan American and, in effect, represent the principal fares in the market. The high earnings forecast by the carriers are largely attributable to proposed increases in these fares. We will, therefore, disapprove the proposed increases. This, together with our disapproval of the proposed increase in economy fares, will reduce the composite forecast return on Caribbean service to 10.0 percent.

The disparity in the earnings of the U.S. carriers in this market is a cause of concern to the Board. Our partial disapproval of the proposed fare increases will deprive two carriers of revenues which appear needed while, at the same time, the other two carriers will achieve earnings substantially in excess of the Board's 12-percent guideline. Although this situation is far from satisfactory, the state of the record on this agreement permits no alternative since the carrier justifications shed no light on the reasons for the earnings disparities. We expect the carriers to address this issue at the next opportunity and to indicate to what extent the disparities are a product of the nature of the routes operated; carrier efficiency; imperfections in the fare structure, or other factors. We would be receptive to suggestions for restructuring fares in this area to provide

a more satisfactory opportunity for all carriers to earn a reasonable return.

We will approve the proposed new U.S.-Netherlands Antilles GIT fares, although with some reluctance. These fares reflect discounts of up to 58 percent from the proposed normal economy fare, and 56 percent under present fares which by our action herein will be continued. As a general matter of policy, the Board is opposed to any discount which approaches 50 percent of the economy fare. The Board has recently expressed specifically its concern with the deep discounts these fares reflect and called for full and specific justification in support of their approval.<sup>7</sup> Both American and Eastern have supplied profit-impact analyses which purport to show that these fares will make a positive contribution to profits, based on incremental cost. We do not find their generation/diversion estimates persuasive; neither carrier has made a prima facie showing of a positive profit impact and it seems likely that these fares will cause serious revenue dilution.<sup>8</sup> On the other hand, the proposed fares do represent an approximate five percent increase over the level of corresponding fares initially filed, in response to government orders, outside the IATA framework. Disapproval of the IATA-proposed fares would likely result in a return to the previous lower level which was, among other fares, the subject of Order 76-11-57 (November 10, 1976) in which we directed carriers to show cause why a variety of deeply discounted fares now offered in the Caribbean market pursuant to government orders should not be suspended. For this reason, we are approving the proposed IATA-agreed fares subject to a determination as to their

economic soundness based on our review pursuant to the showcause order.

The Board will approve the proposed increase in U.S.-South/Central America long-haul fares since it is not anticipated that the two U.S. carriers (Braniff and Pan American) will be able to achieve an adequate composite return in these markets without a fare increase. Assuming a continuation of present fares in the forecast period, Braniff's ROI would be 11.1 percent whereas the ROI for Pan American would be 5.2 percent. The difference in returns for the two carriers is primarily a result of differences in cost since both carriers anticipate approximately the same revenue yield under a continuation of present fares. Braniff's long-haul services are operated principally with "stretched" DC-8 equipment which have an approximate 13-percent cost advantage over Pan American's B-707 equipment, which is the primary aircraft type used in its long-haul South/Central America operations. The composite return for the two carriers, which is the norm traditionally used by the Board in evaluating IATA agreements in this and other areas, is projected as 7.4 percent for the forecast period, assuming a continuation of present fares. The additional \$13.5 million in adjusted revenue to be derived from the proposed fares is expected to raise the composite return, as adjusted, to 11.8 percent, still within the Board's guideline.<sup>9</sup> Although the 52.6-percent composite load factor anticipated under the proposed fares is rather low, the Board finds that no adjustment appears warranted since both carriers are operating minimum frequencies in their long-haul markets.

The Board, acting pursuant to the Federal Aviation Act of 1958 and particularly sections 102, 204(a), 404(a), and 412 thereof, makes the following findings:

1. It is not found that the following resolutions, set forth in the agreements indicated, are adverse to the public interest or in violation of the Act, provided that approval is subject, where applicable, to conditions previously imposed by the Board:

<sup>4</sup> Order 76-11-141, November 29, 1976.  
<sup>5</sup> Order 76-12-102, December 3, 1976, which dealt with U.S.-Mexico GIT fares, indicated our view that American's in-flight survey technique was seriously deficient. American has used the same technique in the instant case.  
<sup>6</sup> Again, the adjustment eliminates the effect of Pan American's demand elasticity factor.

Agreement CAB	IATA No.	Title	Application
<b>26210:</b>			
R-1	001b II	TC1—Special Effectiveness Resolution (Tie-in)	1
R-2	001cc	Special Emergency Escape for TC1 (Caribbean) Agreement	1
R-3	001hh	Special Effectiveness Resolution (New)	1
R-4	001kk	TC1 (Caribbean) Special Escape Resolution (New)	1
R-5	001u	Special Emergency Escape for TC1 (Caribbean) Agreement (New)	1
R-6	001uu	Special Effectiveness Resolution (New)	1
R-7	002 II	Special Redemption Resolution	1
R-8	001b	TC1 First-Class Fares	1
R-12	079f	TC1 Advance Purchase Travel Group Fares (USA/Canada/Mexico-Caribbean Area) (Readopting and Amending)	1
R-13	076q	TC1 Own Use and Incentive Group Fares (Bermuda and Caribbean) (Readopting and Amending)	1
R-14	076qq	TC1 Affinity Group Fares USA—Bermuda/Bahamas/Caribbean (Readopting and Amending)	1
R-16	080L	TC1 10-Day Individual Inclusive Tour Fares—USA-Bermuda/Bahamas/Caribbean (Readopting and Amending)	1
R-17	080LL	TC1 14-Day Individual Inclusive Tour Fares USA—Venezuela (Readopting and Amending)	1
R-19	084f	TC1 14-Day Group Inclusive Tour Fares—Netherlands Antilles (Readopting and Amending)	1
R-20	084j	TC1 14-Day Group Inclusive Tour Fares—Venezuela (Readopting and Amending)	1
R-1	001d	Special Emergency Escape for TC1 Agreements	1
R-2	001nn	Special TC1 Escape for First Class Fares and Conditions of Service	1
R-3	002 IV	Standard Revalidation Resolution	1
R-4	002bb	Special Conversion Rates (TC1) (Revalidating and Amending)	1



Agreement CAB	IATA No.	Title	Application
R-1	001b	TCI—Special Effectiveness Resolution (Tie-In)	1 (Long-haul).
R-2	001b	Special Effectiveness Resolution (New)	Do.
R-3	001oo	Special Escape for TCI Agreement	Do.
R-4	002	Standard Revalidation Resolution	Do.
R-5	001c	TCI First-Class Fares	Do.
R-6	001x	USA/Canada-Greenland First-Class Fares	1.
R-7	001e	TCI Economy-Class Fares	1 (Long-haul).
R-8	001x	USA/Canada-Greenland Economy-Class Fares	1.
R-9	070cc	TCI Excursion Fares—North and Central America/Caribbean—South America (Revalidating and Amending)	1.
R-10	070ee	TCI Excursion Fares USA/Canada—Central America (Revalidating and Amending)	1.
R-11	071e	TCI 145-Day Excursion Fares (Revalidating and Amending)	1 (Long-haul).
R-12	070g	TCI Group Excursion Fares from Brazil to the USA (Revalidating and Amending)	1.
R-15	084e	TCI Group Inclusive Tour Fares—USA/Canada/Mexico—South America (Revalidating and Amending)	1.
R-17	084s	TCI Group Inclusive Tour Fares USA—Central America/Panama (Revalidating and Amending)	1.
R-20	084yy	TCI Special Group Inclusive Tour Fares from the USA to Brazil (Revalidating and Amending)	1.

2. It is not found that the following resolution, incorporated in Agreement C.A.B. 25210 as indicated, is adverse to the public interest or in violation of the Act provided that approval is subject to the conditions stated herein:

Agreement CAB	IATA No.	Title	Application
26210			
R-22	084u	TCI 3/14 Day Group Inclusive Tour Fares—Aruba/Bonaire/Curacao/St. Martin/Antigua (New).	1.

Provided with respect to Resolution 084u:

1. The provisions which at departure would permit a lesser number of passengers than that prescribed by the Resolution to travel shall not be limited to situations caused by circumstances beyond the control of the passengers dropping out of the group and the balance of the group may travel at no added cost.

2. In the event a passenger discontinues his journey en route for any reason, the amount of the fare paid shall be applied as a credit toward the purchase of transportation at the applicable fare calculated from the original point of origin. Similar credit towards the purchase of transportation at applicable fares shall be made for other members of the fare group who belong to the immediate family of such passenger.

3. Full refund shall be made in the event of death or illness of the passenger or a member of the passenger's immediate family prior to travel.

4. The amount of the forfeiture to be imposed in the event of cancellation by the group or member of the group at departure time for any reason shall not exceed 25 percent of the fare paid and after departure the forfeiture shall not exceed 25 percent of the excess of the price of the group fare ticket over the cost of normal fare transportation from the point of origin to the point of cancellation.

3. It is found that the following resolutions, incorporated in Agreement C.A.B. 26210, as indicated, are adverse to the public interest and in violation of the Act:

Agreement CAB	IATA No.	Title	Application
26210:			
R-9	001b	TCI Economy-Class Fares	1.
R-10	070bb	TCI Excursion Fares—USA/Mexico/Bermuda/Caribbean/Venezuela and within Caribbean (Readopting and Amending)	1.

4. It is not found that the following resolutions, set forth in the agreements indicated, affect air transportation within the meaning of the Act:

Agreement C.A.B.	IATA No.	Title	Application
26210:			
R-11	075a	TCI Intra-Caribbean 10-Day Group Excursion Fares (Readopting and Amending)	1.
R-15	080kk	TCI 10-Day Individual Inclusive Inclusive Tour Fares—Mexico-Cuba (Readopting and Amending)	1.
R-18	080o	TCI 21-Day Individual Inclusive Tour Fares, Bermuda/Bahamas-Mexico (Readopting and Amending)	1.
R-21	084LL	TCI Group Inclusive Tour Fares Caribbean—Mexico (Readopting and Amending)	1.
R-23	092o	TCI Intra-Caribbean Youth Fares (Readopting and Amending)	1.
R-13	080r	TCI 28-Day Individual Inclusive Tour Fares Jamaica-Panama (Revalidating and Amending)	1.
R-14	084bb	TCI Group Inclusive Tour Fares Pointe-a-Pitre/Fort-de-France-Lima (Revalidating and Amending)	1.
R-16	084ii	TCI 5/21-Day Group Inclusive Tour Fares—Lima/Panama-Havana (Revalidating and Amending)	1.
R-18	084ww	TCI 17-Day Group Inclusive Tour Fares—Netherlands Antilles-Central/South America (New)	1.
R-19	840xx	TCI Group Inclusive Tour Fares—from Brazil to Barbados/Trinidad (New)	1.

Those portions of Agreements C.A.B. 26210, C.A.B. 26212, and C.A.B. 26213 set forth in finding paragraph one above be and hereby are approved subject, where applicable, to conditions previously imposed by the Board;

2. That portion of Agreement C.A.B. 26210 set forth in finding paragraph two above be and hereby is approved subject to the conditions stated therein;

3. Those portions of Agreement C.A.B. 26210 set forth in finding paragraph three above be and hereby are disapproved;

4. Jurisdiction be and hereby is disclaimed with respect to those portions of Agreements C.A.B. 26210 and C.A.B. 26213 set forth in finding paragraph four above; and

5. Tariffs implementing those portions of Agreements C.A.B. 26210, C.A.B. 26212 and C.A.B. 26213 approved in finding paragraphs one and two above shall be marked to expire March 31, 1978.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board,\*

PHYLLIS T. KAYLOR,  
Secretary.

[FR Doc. 77-7771 Filed 3-16-77; 8:45 am]

[Order 77-3-63; Docket 27813; Agreements C.A.B. 26232 R-1 through R-3 and C.A.B. 26233]

#### INTERNATIONAL AIR TRANSPORT ASSOCIATION Order

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 11th day of March, 1977.

By Order 76-12-58, December 10, 1976, the Board established procedural dates for submission of carrier justification and third party comments regarding two agreements, adopted by the International Air Transport Association (IATA), which would establish a \$10 charge for stopovers at certain points on through South Pacific and North/Central Pacific first-class, normal economy, and promotional fares for which no stopover charge is presently imposed. The charge would be imposed only on stopovers between certain designated gateway points and interior points or origin, destination, or turnaround within Australia, New Zealand, and the continental United States/Canada. Free stopovers would continue to be permitted under existing fare resolutions at specified international gateway points.<sup>1</sup>

Pan American World Airways, Inc. (Pan American) and Northwest Airlines, Inc. (Northwest) have filed the requested economic data in support of the agreements. Mr. Donald L. Pevsner, Esq., has filed comments in opposition.

\*Partial dissent of members Minetti and West filed as part of the original.

<sup>1</sup>For example, while stopovers made between Los Angeles/San Francisco/Portland/Seattle and a given interior point would be subject to the stopover charge, stopovers at or between Los Angeles, San Francisco, Portland, and Seattle would be free since they are specified international gateway points.



Pan American maintains that the proposed charges are a positive step toward yield improvement, are in accord with the Board's oft-stated concern about dilution of carrier yields resulting from free stopovers, and requests that the agreements be approved. The carrier asserts that, while the proposed \$10 charge was not arrived at through any specific cost or revenue analysis, the level represents the carriers' marketing judgment as to the maximum charge that can be implemented at this time, and that it is clearly not excessive. Although stressing that it does not maintain the detailed historical data needed for precise determination of the revenue impact of the proposed charges, the carrier estimates that under varying assumptions the revenue impact will range from a minimum of \$606,000 to a maximum of \$1,819,000 in the South Pacific area, and from \$997,000 to \$2,990,000 in the North/Central Pacific area, based upon revenues forecast under present fares for the years ending March 1978 and September 1977, respectively.<sup>2</sup>

Pan American states that the charge was limited to interior points within the countries specified because most prorate dilution allegedly occurs with the domestic carriers of those countries; that most other countries in the area (Asia/Australasia/Pacific Islands) have only one point of entry and exit, thus minimizing exposure to prorate dilution; that in Japan, which does have multiple entry and exit points, minimum interlining occurs; and that in India, the national carrier did not wish to apply the rule at this time. The carrier does state that extension of the charge will be considered at future conferences.

Northwest estimates that the charge would have produced \$652,940 additional revenue in calendar year 1976, based upon a sample drawn at random from a selection of tickets for 14 days drawn from a six-month period (April-September 1976). While in favor of some form of routing control as a way of improving revenues rather than by increasing fares, the carrier does not fully support the proposal. Pointing out that stopovers at or between the designated gateways would continue to be free while stopovers at other gateway cities such as Chicago, New York or Dallas would be charged and that Asia-originating passengers would be subject to the charges more often than would United States/Canada-originating passengers, Northwest believes that the agreements contain aspects that are discriminatory and predatory. Furthermore, the carrier maintains that, in certain cases not involving stopovers or multiple domestic interlining, international car-

riers can benefit from U.S. domestic-carrier proration requirements; that it is not necessarily true that transpacific carriers would retain all of the additional revenue generated by the charge; and that it is reasonable that domestic carriers should share in that added revenue. Finally, implying that the proposal does not solve the problem of revenue dilution resulting from proration on international interlines, Northwest suggests stopover restrictions be on total travel or, better yet, a return to the routing-related fare structure that existed during the 1950's and early 1960's.

Mr. Pevsner objects to the assessment on transpacific normal first class and economy fares maintaining that the charge constitutes a fare increase. Additionally, Mr. Pevsner believes that each transpacific promotional fare should be studied to determine whether imposition of the charge is equitable and that, with regard to fares permitting no stopovers, the Board should consider the option of permitting stopovers at an extra charge.

Upon consideration of carriers' presentations and the other comments, the Board has decided to approve the agreements in part. The Board has long advocated imposition of reasonable charges for stopovers on all portions of a traveler's itinerary wherever they occur.<sup>3</sup> Since the charge proposed herein would be applied only on stopovers made between the gateway and the interior point

of origin, destination, or turnaround within the same country or region, the agreement falls considerably short of the Board's objective. While the charge would be levied on stopovers made between designated gateways and interior domestic points, the carriers' submissions indicate that, in fact, a greater portion of the total fare dilution due to stopovers on a given itinerary can result from stopovers made on international segments. The Board is extremely concerned with this dilution as well and urges the carriers to extend application of the charge to all stopover points on a passenger's routing at the earliest possible time.

Nevertheless, without regard to this substantial omission in the subject agreements, we believe the agreements represent a significant and important first step toward establishment of comprehensive stopover charges, and their application to all transpacific promotional fares will be approved. We are unable, however, to extend our approval to normal first- and economy-class fares. The high levels of both these normal fares presumably already reflect present provisions which permit unlimited free stopovers on these fares. In addition, the Board has noted that transpacific normal economy fares are already significantly in excess of costs.<sup>4</sup> Thus, we believe that assessment of an additional charge for stopovers on these fares has not been justified at this time.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act makes the following findings:

1. It is not found that the following resolutions, incorporated in Agreement C.A.B. 26232 as indicated, are adverse to the public interest or in violation of the Act:

Agreement CAB	IATA No.	Title	Application
26232			
R-1	002L	Special Amending Resolution (Expedited)	3/1 (South Pacific)
R-2	008	Special Resolution Resolution (Expedited)	Do.

2. It is not found that the following resolutions, incorporated in the agreements indicated, are adverse to the public interest or in violation of the Act, insofar as they apply to passenger fares established in accordance with IATA fares resolutions other than Resolutions 056, 056a, 066, and 066a:

Agreement CAB	IATA No.	Title	Application
26232			
R-3	014u	South Pacific Construction Rule (Expedited) (New)	3/1
26233	014r	North and Central Pacific Construction Rule (Expedited) (New)	3/1

3. It is found that the following resolutions, incorporated in the agreements indicated, are adverse to the public interest and in violation of the Act insofar as they apply to passenger fares established in accordance with IATA Resolutions 056, 056a, 066, and 066a:

Agreement CAB	IATA No.	Title	Application
26232			
R-3	014u	South Pacific Construction Rule (Expedited) (New)	3/1
26233	014r	North and Central Pacific Construction Rule (Expedited) (New)	3/1

<sup>2</sup> See justification dated November 1, 1976, in Docket 29123 submitted in support of Agreement C.A.B. 26083, R-1 through R-19 and that dated September 17, 1976, in Docket 27813 in support of Agreement C.A.B. 26064, R-1 through R-15.



Accordingly, it is ordered, That: 1. Those portions of Agreements C.A.B. 26232 and 26233 described in finding paragraphs 1 and 2 above be and hereby are approved; and

2. Those portions of Agreements C.A.B. 26232 and 26233 described in finding paragraph 3 above be and hereby are disapproved.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.<sup>1</sup>

PHYLLIS T. KAYLOR,  
Secretary.

[FR Doc. 77-7779 Filed 3-16-77; 8:45 am]

[Order 77-3-49; Docket 27573; Agreement C.A.B. 26482, R-1 through R-N]

#### INTERNATIONAL AIR TRANSPORT ASSOCIATION

##### Order

Issued under delegated authority, March 8, 1977.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers, embodied in the resolution of the Traffic Conferences of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

As set forth in the attachment, the agreement adds two specific commodity rates under existing specific commodity descriptions, and adds two new rates with two new specific commodity descriptions, all reflecting reductions from general cargo rates. The agreement was adopted pursuant to unopposed notices to the carriers and promulgated in an IATA letter dated February 24, 1977.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found that the subject agreement is adverse to the public interest or in violation of the Act, provided that approval is subject to the conditions hereinafter ordered.

Accordingly, it is ordered, that: Agreement C.A.B. 26482, R-1 through R-4, is approved, provided that (a) approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publications; (b) tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing; and (c) where a specific commodity rate is published for a specified minimum weight at a level lower than the general commodity rate applicable for such weight, and where a general commodity rate is published for a greater minimum weight at a level lower than such specific commodity rate, the specific commodity rate shall be extended to all such greater min-

imum weights at the applicable general commodity rate level.

Persons entitled to petition the Board for review of this order, pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics

Board unless within such period a petition for review is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

PHYLLIS T. KAYLOR,  
Secretary.

Agreement CAB	Specific commodity item No.	Description and rate
20482		
R-1	1403	Cut Flowers, Foliage and Cuttings: 187 cents per kilogram, minimum weight 500 kilogram. From Miami to Tokyo.
R-2	2865	Carpets and Rugs: 185 cents per kilogram, <sup>1</sup> minimum weight 500 kilogram, 174 cents per kilogram, <sup>2</sup> minimum weight 1,000 kilogram from Tehran to New York.
R-3	8379	Lenses, Frames and Sunglasses: 260 cents per kilogram, minimum weight 500 kilogram from Mauritius to New York.
R-4	9516	Handicraft Products, namely Textiles, Metal, Wood, Straw, Leather, Clay, Wicker, Onyx, Mother-of-Pearl and Glass Articles: 251 cents per kilogram, minimum weight 200 kilogram from Manila to Los Angeles.

<sup>1</sup> Expires June 30, 1977.

<sup>2</sup> To continue in effect after July 1, 1977.

[FR Doc. 77-7782 Filed 3-16-77; 8:45 am]

[Order 77-3-72; Docket No. 28208]

#### METROPOLITAN NASHVILLE AIRPORT AUTHORITY

##### Investigation of the Need for Nashville-Kansas City/Denver Service

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 11th day of March, 1977.

By petition dated August 22, 1975, the Metropolitan Nashville Airport Authority (Nashville) requested that the Board commence an investigation of the need for improved Nashville-Kansas City/Denver air service. Contemporaneously, Nashville also filed a motion for hearing. The City of Kansas City, Missouri, and the Chamber of Commerce of Greater Kansas City filed an answer supporting Nashville's motion for hearing.

In support of its petition, Nashville argues, inter alia, that a substantial volume of air traffic moves between Nashville and Denver and between Nashville and Kansas City; that such air traffic is being inconvenienced by the requirement to move by connections; that traffic levels have been depressed by inadequate service; and that Nashville, Denver, and Kansas City are all large metropolitan, commercial centers which are able to support improved service.

Upon consideration of the pleadings filed herein and of all the relevant facts, we have decided to deny Nashville's motion for hearing.<sup>1</sup>

The Board is involved in a considerable number of hearing cases involving requests for new or improved route authority. As a result, the Board's ability to grant requests for hearings is substantially limited. Regarding route authority, the Board will generally afford priority to those applications presenting the greatest potential for service benefits to

a substantial segment of the traveling public, as well as indicating a prospect of economic operations for the carriers concerned.<sup>2</sup>

The Board is of the opinion that neither market generates sufficient traffic to economically support additional service. In 1975, total O&D plus connecting traffic was about 12,400 per year (or only about 17 per day in each direction) in the Nashville-Kansas City market, and about 12,100 per year (also about 17 per day in each direction) in the Nashville-Denver market.

There are currently 14 connecting flights and one multi-stop flight daily between Nashville and Kansas City.<sup>3</sup> Between Nashville and Denver there are two one-stop flights and 39 connecting flights.<sup>4</sup>

It is significant to note that, although Nashville is served by nine air carriers,<sup>5</sup> no air carrier has indicated an interest in providing the requested service by filing an application in support of Nashville's request. This further supports the Board's conclusion that there is not at present adequate economic support for the additional service requested by Nashville.<sup>6</sup>

In light of the foregoing, the Board finds that Nashville's petition does not state facts warranting the institution of an investigation at this time.

Accordingly, it is ordered that: The motion of the Metropolitan Nashville Airport Authority for hearing be and it hereby is denied.

<sup>1</sup> Section 399.60 of the Board's Policy Statements, 14 CFR Section 399.60.

<sup>2</sup> OAG, February 1, 1977.

<sup>3</sup> Id.

<sup>4</sup> TWA's service is suspended.

<sup>5</sup> To the extent that the Nashville-Kansas City market might be able to support improved one-stop service, that issue will be addressed in the Southern-TWA Route Transfer Case, Docket 29001.

<sup>1</sup> Partial dissent of members Minetti and West filed as part of the original.

<sup>1</sup> The community's petition will remain on the Board's docket. See Order 77-1-142, January 25, 1977.



This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,  
Secretary.

[FR Doc. 77-7880 Filed 3-16-77; 8:45 am]

[Order 77-3-89; Docket No. 30383]

#### TRANS WORLD AIRLINES INC., ET AL.

Request To Engage in Discussions on United States-United Kingdom Cargo Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 11th day of March, 1977.

Order 77-2-117, February 24, 1977, authorized talks among Trans World Airlines, Inc. (TWA), Pan American World Airways, Inc. (Pan American) and British Airways, and any other interested carriers, in an effort to resolve problems relating to contract cargo rates and to other matters pertaining to cargo rates available for sale between the United States and the United Kingdom. The authorization was requested by TWA, supported by Pan American and British Airways.

On February 25, 1977, Seaboard filed a petition for reconsideration and/or clarification of Order 77-2-117, claiming that its interests are prejudiced by the Order's apparent authorization of discussions among the three named carriers without Seaboard; Seaboard requests the Board to modify or clarify the Order to provide that no talks can be held unless Seaboard is present and no agreement can be filed unless Seaboard consents. Seaboard alleges that inspection of minutes of these talks and the filing of objections to a potential section 412 agreement are no substitute for direct participation in the inter-carrier discussions.

Answers opposing the petition have been filed by TWA and British Airways. TWA asserts that Seaboard had numerous opportunities to be named a party to the discussions and is not precluded by the terms of the order from attending; that as of March 1, Seaboard was still planning to attend and TWA welcomes its participation. British Airways does not oppose any clarification of Seaboard's right to attend but objects to any modification of the Order which would give Seaboard veto power over the discussions by simply refusing to attend.

The Air Freight Forwarders Association of America (AFFA) has also filed a petition for reconsideration of Order 77-2-117, urging that the Board provide for forwarder participation in the discussions. In support of its petition AFFA submits that any agreement resulting from the talks will have a direct and immediate impact upon forwarders and shippers, but the Board has provided no mechanism for their participation in the ratemaking process; and that such participation by outside interests would not be a new concept for the Board since it

has urged the parties in Agreements among members of the International Air Transport Association involving Agency Matters, Docket 28672, to "consider the development of an appropriate mechanism that would permit travel agents to participate more fully in IATA rate-setting, in the event the Board determines to reinstitute fixed uniform commissions."<sup>1</sup>

Upon consideration of the petitions and the answers thereto, the Board has concluded to deny the petitions of Seaboard and AFFA. Seaboard is authorized to participate in the subject discussions by ordering paragraph 1 of Order 77-2-117 so no further action is required on the first of Seaboard's requests. Also, we will deny Seaboard's second request that we require that any potential agreement concluded at the discussions include Seaboard as a party. An authorization of discussions does not presage that agreement will be reached nor has it been construed as requiring any agreement to be reached unanimously. Most agreements, reached in such a contest, are unanimous among participants, it is true; but we do not see this as a requirement. More particularly, we do not perceive, at this procedural stage of the matter, any requirement that we so condition our authorization. If only a partial agreement can be reached, all interested persons will have ample opportunity to set forth their views before any final action is taken. One would question, of course, the feasibility of any agreement which did not have the support of a major participant in the market.

AFFA's petition for reconsideration is essentially a late-filed petition to participate in the talks.<sup>2</sup> AFFA has submitted nothing to demonstrate that it has any unique interests to be preserved in the talks or that it has any particular contribution to make. Accordingly, the petition will be denied.

Accordingly, *It is ordered* That: 1. The petitions of Seaboard World Airlines, Inc. and the Air Freight Forwarders Association of America for reconsideration of Order 77-2-117 be and hereby are denied;

2. The motion of the Air Freight Forwarders Association of America to file an otherwise unauthorized document in Docket 30383 be and hereby is granted; and

3. A copy of this Order shall be served upon Seaboard World Airlines, Inc., the Air Freight Forwarders Association of America, Trans World Airlines, Inc., Pan American World Airways, Inc., and British Airways.

<sup>1</sup> Order 76-7-56, July 16, 1976. AFFA states further that had it been aware sooner of TWA's application for authorization of the talks, it would have submitted comments at the time; accordingly, its petition is accompanied by a motion to file an otherwise unauthorized document. The motion will be granted.

<sup>2</sup> TWA's application for the talks was submitted January 21, 1977; AFFA's petition was filed March 3, 1977.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,  
Secretary.

[FR Doc. 77-7881 Filed 3-16-77; 8:45 am]

#### COMMISSION ON CIVIL RIGHTS

##### DELAWARE ADVISORY COMMITTEE

###### Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights that a planning meeting of the Delaware Advisory Committee (SAC) of the Commission will convene at 10 a.m. and end at 2 p.m. on April 8, 1977, at the Y.M.C.A., 11th and Washington Streets, Wilmington, Delaware.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Mid-Atlantic Regional Office of the Commission, 2120 L Street, N.W., Room 510, Washington, D.C. 20037.

The purpose of this meeting is to review the school desegregation study.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., March 14, 1977.

JOHN I. BINKLEY,  
Advisory Committee  
Management Officer.

[FR Doc. 77-7876 Filed 3-16-77; 8:45 am]

##### ILLINOIS ADVISORY COMMITTEE

###### Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Illinois Advisory Committee (SAC) of the Commission will convene at 10:30 a.m. and end at 3:00 p.m. on April 4, 1977, at 230 South Dearborn Street, Room 3280, Chicago, Illinois 60604.

Persons wishing to attend this open meeting should contact the Committee Chairperson or the Midwestern Regional Office of the Commission, 230 South Dearborn Street, 32nd Floor, Chicago, Illinois 60604.

The purpose of this meeting is to discuss consideration of proposed projects, report from Education Subcommittee.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., March 14, 1977.

JOHN I. BINKLEY,  
Advisory Committee  
Management Officer.

[FR Doc. 77-7877 Filed 3-16-77; 8:45 am]

##### ILLINOIS ADVISORY COMMITTEE

###### Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations



of the U.S. Commission on Civil Rights, that a planning meeting of the Illinois Advisory Committee (SAC) of the Commission will convene at 10:30 a.m. and end at 3:00 p.m. on April 14, 1977, at 230 S. Dearborn Street, Room 3280, Chicago, Illinois 60604.

Persons wishing to attend this meeting should contact the Committee Chairperson or the Midwestern Regional Office of the Commission, 230 South Dearborn Street, 32nd Floor, Chicago, Illinois 60604.

The purpose of this meeting is to continue project planning. Hear report from Education Subcommittee.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., March 14, 1977.

JOHN I. BINKLEY,  
Advisory Committee  
Management Officer.

[FR Doc. 77-7878 Filed 3-16-77; 8:45 am]

## DEPARTMENT OF COMMERCE

Economic Development Administration

### PEG SPORTSWEAR, INC.

Determination of Eligibility To Apply for Trade Adjustment Assistance

A petition by Peg Sportswear, Inc., 41 East 11th Street, New York, New York 10003, a producer of women's apparel, was accepted for filing on March 10, 1977, pursuant to section 251 of the Trade Act of 1974 (Pub. L. 93-618) and § 315.23 of the Adjustment Assistance Regulations for Firms and Communities (13 CFR Part 315). Consequently, the United States Department of Commerce has initiated an investigation to determine whether increased imports into the United States of articles like or directly competitive with those produced by the firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of the petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Chief, Trade Act Certification Division, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business of March 28, 1977.

JACK W. OSBURN, JR.,  
Chief, Trade Act Certification  
Division, Office of Planning  
and Program Support.

[FR Doc. 77-7833 Filed 3-16-77; 8:45 am]

## TEMPLE SOUND EQUIPMENT COMPANY, INC.

Determination of Eligibility To Apply for Trade Adjustment Assistance

A petition by Temple Sound Equipment Company, Inc., 384 Canal Place, Bronx, New York 10451, a producer of loud-

speakers, was accepted for filing on March 8, 1977, pursuant to section 251 of the Trade Act of 1974 (Pub. L. 93-618) and § 315.23 of the Adjustment Assistance Regulations for Firms and Communities (13 CFR Part 315). Consequently, the United States Department of Commerce has initiated an investigation to determine whether increased imports into the United States of articles like or directly competitive with those produced by the firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of the petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Chief, Trade Act Certification Division, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business of April 28, 1977.

JACK W. OSBURN, JR.,  
Chief, Trade Act Certification  
Division, Office of Planning  
and Program Support.

[FR Doc. 77-7832 Filed 3-16-77; 8:45 am]

## Maritime Administration

[Docket No. S-550]

### WATERMAN STEAMSHIP CORP.

#### Application

Notice is hereby given that Waterman Steamship Corporation (Waterman) has filed an application dated March 2, 1977, with the Maritime Subsidy Board, pursuant to Title VI (46 U.S.C. 1171-1183) of the Merchant Marine Act, 1936, as amended, to amend its Operating-Differential Subsidy Agreement, Contract No. MA/MSB-115, to increase from 40 to 70 the maximum number of sailings permitted to be made on its subsidized service on Trade Route No. 18 (U.S. Atlantic and Gulf/India, Persian Gulf, and Red Sea). In order to provide the additional sailings, Waterman plans to acquire three additional vessels of the Mariner type or the equivalent. Waterman proposes to eventually replace the Mariner type or equivalent vessels with four LASH type vessels.

Interested parties may inspect this application in the Office of the Secretary, Maritime Subsidy Board, Room 3099-B, Department of Commerce Building, 14th and E Streets NW., Washington, D.C. 20230.

Any person, firm, or corporation having an interest in such application and who desires to offer views and comments thereon for consideration by the Maritime Subsidy Board should submit such views and comments in writing, in triplicate, to the Secretary, Maritime Subsidy Board, by the close of business on March 25, 1977. The Maritime Subsidy Board will consider such views and comments and take such actions with respect thereto as may be deemed appropriate.

(Catalog of Federal Domestic Assistance Program No. 11.504, Operating-Differential Subsidy (ODS).)

By order of the Maritime Subsidy Board.

Dated: March 11, 1977.

JAMES S. DAWSON, JR.,  
Secretary.

[FR Doc. 77-7814 Filed 3-16-77; 8:45 am]

## COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

### BILATERAL TEXTILE NEGOTIATIONS WITH GOVERNMENTS OF HONG KONG, INDIA, MALAYSIA, POLAND, AND ROMANIA

#### Request for Comments

MARCH 10, 1977.

On April 21, 1974, the Committee for the Implementation of Textile Agreements published a notice in the FEDERAL REGISTER (39 FR 13307) conveying the Committee's intention to announce and solicit comment on U.S. Government's actions implementing the GATT Arrangement Regarding International Trade in Textiles.

Pursuant to the terms of the Arrangement and certain bilateral textile agreements entered into thereunder, the Committee anticipates holding negotiations with the Governments of Hong Kong, India, Malaysia, Poland, and Romania. Any party wishing to express a view or provide data or information with regard to the treatment of any product under the bilateral textile agreements and any other aspects thereof, or with respect to imports of other textile products from these countries, is invited to submit such in ten copies to Mr. Robert E. Shepherd, Acting Chairman of the Committee for the Implementation of Textile Agreements and Acting Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Room 3826, Washington, D.C. 20230. Inasmuch as the exact timing of the negotiations is not yet certain, comments should be submitted promptly.

Views, data or information submitted under this procedure will be available for public inspection in the Office of Textiles, Room 2815, U.S. Department of Commerce, 14th and Constitution Avenue NW., Washington, D.C. 20230, and may be obtained upon written request. Whenever practicable, public comment may be invited concerning views, comments or information received from the public which the Committee for the Implementation of Textile Agreements considers appropriate for further consideration.

The solicitation of comments on any negotiation, consultation, market disruption or any other matter pursuant to this notice is not a waiver in any respect of the exemption contained in 5 U.S.C. 553 (a) (1) and 554 (a) (4) relating to



matters which constitute "a foreign affairs function of the United States".

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

[FR Doc.77-7873 Filed 3-16-77;8:45 am]

#### BRAZIL

#### Import Restraint Levels for Yarn in Certain Cotton Products

MARCH 10, 1977.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: To augment the import restraint levels established for yarn in Categories 1-4 and certain men's and boys' cotton trousers, slacks and shorts (outer) in Category 50 from Brazil during the year which began on April 1, 1976.

SUMMARY: Paragraph 8 of the Bilateral Cotton Textile Agreement of April 22, 1976, between the Governments of the United States and the Federative Republic of Brazil provides that under specified conditions shortfalls in certain category ceilings during one agreement year may be applied to ceilings in the succeeding agreement year. Pursuant to this provision of the bilateral agreement, the level for Categories 1-4 is being raised to 9,652,174 pounds and the level for Category 50 is being raised to 127,650 dozen for the twelve-month period which began on April 1, 1976 and extends through March 31, 1977.

EFFECTIVE DATE: March 10, 1977.

FOR FURTHER INFORMATION CONTACT:

Donald R. Foote, International Trade Specialist, Office of Textiles, U.S. Department of Commerce, Washington, D.C. 20230. (202-377-5423).

SUPPLEMENTARY INFORMATION: On May 27, 1976, a letter was published in the FEDERAL REGISTER (41 FR 21680) from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs which established the levels of restraint applicable to certain specified categories of cotton textile products under the terms of the bilateral agreement, which have been produced or manufactured in Brazil and exported to the United States during the twelve-month period which began on April 1, 1976. In the letter of March 10, 1977, published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to permit entry of cotton textile products in Categories 1-4 and in Category 50, produced or manufactured in Brazil, at respective levels of 9,652,174 pounds and 127,650 dozen

during the agreement year which began on April 1, 1976.

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

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

DEAR MR. COMMISSIONER: On May 24, 1976, the Chairman, Committee for the Implementation of Textile Agreements, directed you to prohibit entry during the twelve-month period beginning on April 1, 1976 and extending through March 31, 1977 of cotton textiles and cotton textile products in certain specified categories, produced or manufactured in Brazil, in excess of designated levels of restraint. The Chairman further advised you that the levels of restraint are subject to adjustment.<sup>1</sup>

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, pursuant to paragraph 8 of the Bilateral Cotton Textile Agreement of April 22, 1976, between the Governments of the United States and the Federative Republic of Brazil, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, you are directed, effective on March 10, 1977, to amend the twelve-month level of restraint established for cotton textiles in Categories 1-4 to 9,652,174 pounds and for cotton textile products in Category 50 to 127,650 dozen.<sup>2</sup>

The actions taken with respect to the Government of the Federative Republic of Brazil and with respect to imports of cotton textile products from Brazil 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, U.S. Department  
of Commerce.

[FR Doc.77-7874 Filed 3-16-77;8:45 am]

<sup>1</sup>The term "adjustment" refers to those provisions of the Bilateral Cotton Textile Agreement of April 22, 1976 between the Governments of the United States and the Federative Republic of Brazil which provides, in part, that: (1) within the aggregate and applicable group limits, specific levels of restraint may be exceeded by specified percentages; (2) these levels may be increased within the aggregate and applicable group limits upon agreement between the two governments; (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.

<sup>2</sup>The levels of restraint have not been adjusted to reflect any entries after March 31, 1976.

## CONSUMER PRODUCT SAFETY COMMISSION

### MEETING

AGENCY: Consumer Product Safety Commission.

ACTION: Notice of Briefing Meeting.

SUMMARY: In accordance with the requirements of the Government in the Sunshine Act (Pub. L. 94-409) and the Commission's Rules for Meetings (16 CFR 1012), this notice announces a briefing meeting of the Commission to be held March 23, 1977, beginning at 9:30 a.m., in the 3rd Floor Hearing Room, 1111-18th St., NW., Washington, D.C. The meeting will be conducted in open session, unless otherwise noted in the agenda below.

FOR ADDITIONAL INFORMATION: Interested persons can obtain additional information on agenda items by contacting Sheldon D. Butts, Assistant Secretary, Office of the Secretary, Consumer Product Safety Commission, Suite 300, 1111-18th St., NW., Washington, D.C. 20207, telephone (202) 634-7700. Copies of briefing material on the agenda items are generally available for review in the Office of the Secretary.

Dated: March 15, 1977.

SADYE E. DUNN,  
Secretary.

#### AGENDA FOR MARCH 23, 1977 BRIEFING MEETING

9:30 A.M., CONVENE MEETING

1. *Briefing on Mid-Year Review Packages.* In this briefing, the staff will review the material that it has prepared for the Commission's use in conducting the mid-year review of CPSC's Operating Plan for the current fiscal year. This material includes ranking of petitions; administrative rules; and priority products/projects. This preliminary briefing will be followed by a formal review to be scheduled in April.

2. *Briefing on Power Lawn Mowers.* In July, 1974, the Commission initiated a proceeding under Section 7 of the Consumer Product Safety Act to develop a safety standard for power lawn mowers, a recommended standard for which was developed by Consumers Union. In this briefing, the staff will discuss with the Commission a draft FEDERAL REGISTER notice proposing the standard, a draft Hazard Analysis of power lawn mowers, a draft Economic Impact Assessment (including an environmental impact assessment and a discussion of the need for an anti-stockpiling rule), and alternatives for certification of power lawn mowers.

Adjournment.

[FR Doc.77-8185 Filed 3-16-77;8:45 am]

### MEETING

AGENCY: Consumer Product Safety Commission.

ACTION: Notice of Meeting.

SUMMARY: In accordance with the requirements of the Government in the Sunshine Act (Pub. L. 94-409) and the Commission's Rules for Meetings (16 CFR 1012), this notice announces a



meeting of the Commission to be held March 24, 1977, beginning at 9:30 a.m. in the 3rd Floor Hearing Room, 1111-18th St., NW., Washington, D.C. The meeting will be conducted in open session unless otherwise noted in the agenda below.

**FOR ADDITIONAL INFORMATION:** Interested persons can obtain additional information on this agenda by contacting Sheldon D. Butts, Assistant Secretary, Office of the Secretary, Consumer Product Safety Commission, Suite 300, 1111-18th St., NW., Washington, D.C. 20207, telephone (202) 634-7700. Copies of briefing material on these items are available for review in the Office of the Secretary.

**AGENDA FOR MARCH 14, 1977 COMMISSION MEETING**

**9:30 A.M., CONVENE MEETING**

1. *Matchbook Standard/Burn Control Activities.* In April, 1976, the Commission proposed a safety standard for matchbooks, based on a standard recommended by the American Society for Testing and Materials (ASTM) following an "offeror" proceeding under Section 7 of the Consumer Product Safety Act. In order to allow analysis of the comments and possible changes, the Commission extended until May 1, 1977 the date by which it must publish a final standard or withdraw the proceeding. In this meeting the staff has requested further guidance on development of the final standard, including a decision on whether and when to take action on possible burn control requirements.

2. *Response to H.R. 351, Regulatory Cost Impact of 1977.* The Commission will vote on a draft response to this bill prepared by the Office of the General Counsel.

3. *Possible Substantial Product Hazard: Scorpion, Inc., snowmobiles (ID 77-15).* The Commission will vote on whether or not to accept a corrective action plan which the firm has undertaken to correct a possible substantial hazard posed by a potential defect in the clutch assembly of Scorpion's "Bull Whip" snowmobiles.

4. *Response to OMB Recommendations for Merger of Advisory Committees: President's Memorandum on Review of Advisory Committees.* The issue before the Commission is possible consolidation of its three statutorily-mandated advisory committees: the Product Safety Advisory Council, the National Advisory Committee for the Flammable Fabrics Act, and the Technical Advisory Committee for Poison Prevention Packaging. The Commission is examining the issue in the context of a letter from the Office of Management and Budget, a Presidential Memorandum, and the Commission's own review of possible consolidation into one amended Consumer Product Safety Act the five acts which the Commission administers.

5. *Proposed Consent Agreement and Order in the Matter of Jultus Berger & Co., Inc., CPSC Docket 76-7.* The Commission will decide whether or not to accept a proposed consent agreement and order in this Flammable Fabrics Act case involving children's sleepwear. By previous action in January, the Commission returned the agreement to the Administrative Law Judge. In the current action on the matter, the enforcement staff requests reconsideration of the agreement and has submitted a memorandum in which it argues that omission of a recall from consumers is justified.

Lunch.

**2:00 P.M. RECONVENE MEETING**

(The staff has identified the following items as possible candidates for consideration in closed session. The Commission has not at this time ruled on opening or closing consideration of these items.)

6. *Possible Substantial Product Hazard: Heil-Quaker electric strip heaters (ID 77-16).* The Commission will decide whether or not to accept a corrective action plan which the firm has undertaken to deal with a possible substantial product hazard posed by potentially defective auxiliary electric strip heaters for mobile homes.

7. *Petition to Stay Standard for Architectural Glazing Materials.* In this petition, the Flat Glass Association of Japan asks the Commission to stay the Commission's safety standard for architectural glazing materials as it applies to polished wired glass (which portion of the standard becomes effective January 6, 1980.) The Association has filed a petition for review of the standard in the U.S. Court of Appeals for the District of Columbia. As presented in a legal memorandum from the Office of the General Counsel, the Commission has three options: grant the petition, deny the petition, or grant the petition for a limited period of time.

Adjournment.

Dated: March 15, 1977.

SADYE E. DUNN,  
Secretary.

[FR Doc. 77-8186 Filed 3-16-77; 8:45 am]

**DEPARTMENT OF DEFENSE**

Office of the Secretary of Defense

**DEFENSE ADVISORY COMMITTEE ON WOMEN IN THE SERVICES**

**Meeting**

Pursuant to Pub. L. 92-463 notice is hereby given that the next meeting of the Defense Advisory Committee on Women in the Services (DACOWITS) will be held April 17-21, 1977, in Washington, D.C. at the Hotel Washington, 15th and Pennsylvania NW., and at the Pentagon.

Authorized 25 civilian women, DACOWITS meets twice each year to provide the Department of Defense with assistance and advice on matters relating to women in the Armed Forces, to interpret to the public the role of and the need for servicewomen and to encourage the acceptance of military service as a career opportunity.

Sessions will be conducted daily as indicated and will be open to the public. The agenda will include the following meetings and discussions:

Sunday, April 17, 1977—The Hotel Washington; 10:00 a.m.-12:00 p.m.—Executive Committee Meeting; 2:30 p.m.-3:30 p.m.—Briefing for new members.

Monday, April 18, 1977—The Pentagon. Briefings on: (1) Policies for family and bachelor housing and basic allowance for quarters (BAQ).

(2) OSD Legislative proposals.  
(3) Methodology for determining the enlisted women's content in the Army, Navy, Marine, and Air Force.

(4) Goals and rationale of the Affirmative Action Plans as pertaining to women.

Tuesday, April 19, 1977—The Hotel Washington; 9:30 a.m.-4:30 p.m.—Subcommittee Meetings; 8:00 p.m.—Executive Committee

Meeting with the Directors/Senior Representatives of the Women's Military Components.

Wednesday, April 20, 1977; 9:00 a.m.-5:00 p.m.—Field Trip to Walter Reed Army Medical Center; 5:45 p.m.-7:00 p.m.—Subcommittee Meetings at the Hotel Washington.

Thursday, April 21, 1977—The Hotel Washington; 9:00 a.m.-10:00 a.m.—Executive Committee Meeting; 10:00 a.m.-12:00 p.m.—General Session.

Members of the public will not be permitted to go on the field trip or attend the social functions.

The following rules and regulations will govern the participation by members of the public at this meeting:

(1) All business sessions, to include Executive Committee sessions, will be open to the public.

(2) Since the Pentagon is closed to the general public, persons desiring to attend the session on Monday, April 18, 1977, in the Pentagon must notify the DACOWITS Secretariat (202) OXFORD 5-5153 by April 7, 1977 so that proper escorts to and from the meeting can be arranged.

(3) Interested persons may submit a written statement and/or make an oral presentation for consideration by the Committee during the meeting.

(4) Persons desiring to make an oral presentation or submit a written statement to the Committee must notify the DACOWITS Executive Secretary OASD (Manpower and Reserve Affairs), Room 2C263, the Pentagon, Washington, D.C. 20301 by April 4, 1977.

(5) Length and number of oral presentations to be made will depend on the number of requests received from the members of the public.

(6) Oral presentations by members of the public will be permitted only from 8:30 a.m. to 9:30 a.m. on Tuesday, April 19, 1977, before the full committee.

(7) Each person desiring to make an oral presentation or submit a written statement must provide the DACOWITS Secretariat with 30 copies of the presentation/statement by April 7, 1977.

(8) Persons submitting a written statement only for inclusion in the minutes of the meeting must submit one (1) copy either before or during the meeting or within five (5) days after the close of the meeting.

(9) Members of the public will not be permitted to enter into the oral discussion conducted by the Committee members at any of the sessions; however, they will be permitted to reply to questions directed to them by members of the Committee.

(10) Members of the public will be permitted to orally question the scheduled speakers if time allows after the official participants have asked questions and/or made comments.

(11) Questions from the public will not be accepted during the subcommittee sessions, the executive committee sessions, or the final general session on Thursday, April 21, 1977.

Additional information regarding the Committee and/or this meeting may be obtained by contacting the DACOWITS



Executive Secretary, OASD (M&RA), The Pentagon, Washington, D.C. 20301, telephone (202) Oxford 5-5153.

MAURICE W. ROCHE,  
Director, Correspondence and  
Directives OASD (Comptroller).

MARCH 14, 1977.

[FR Doc.77-7836 Filed 3-16-77; 8:45 am]

## FEDERAL ADVISORY COMMITTEES

### Notice of Review

Notice is hereby given that the Department of Defense proposes to review the DoD advisory committees, which are listed below. The public is invited to participate in this review process. Should there be any comments or recommendations regarding any of these committees, please address them by March 31 to:

Department of Defense, Office of the Assistant Secretary of Defense, Committee Management Office, Room 3A326, Pentagon, Washington, D.C. 20301.

### DoD ADVISORY COMMITTEES

Academic Advisory Board to the Superintendent, U.S. Naval Academy.  
Advisory Committee on the Air Force Historical Program.  
Advisory Committee on the Design and Construction of Shelters.  
Advisory Group on Electron Devices.  
Advisory Group on Utilization of Gravimetric Data.  
Advisory Panel on DoD Educational Programs.  
Air Force ROTC Advisory Panel.  
Armed Forces Epidemiological Board.  
Army Advisory Panel on ROTC Affairs.  
Army Scientific Advisory Panel.  
Ballistic Missile Defense (BMD) Technology Advisory Panel.  
Board of Advisors to the President, Naval War College.  
Board of Advisors to the Superintendent, Naval Postgraduate School.  
Board of Visitors, Air University.  
Board of Visitors, Defense Intelligence School.  
Board of Visitors, Defense Systems Management School.  
Board of Visitors, National Defense University.  
Board of Visitors, U.S. Air Force Academy.  
Board of Visitors, U.S. Army Judge Advocate General's School.  
Board of Visitors, U.S. Military Academy.  
Board of Visitors, U.S. Naval Academy.  
Chemical Propulsion Advisory Committee.  
Chief of Naval Operations Command and Control and Communications (C<sup>3</sup>) Advisory Committee.  
Chief of Naval Operations Executive Panel Advisory Committee.  
Command and General Staff College Advisory Board.  
Commandant's Advisory Committee on Marine Corps History.  
Community College of the Air Force Advisory Committee.  
Defense Advisory Committee on Women in the Services.  
Defense Communications Agency Scientific Advisory Group.  
Defense Industry Advisory Group-Europe.  
Defense Intelligence Agency Scientific Advisory Committee.  
Defense Science Board.  
Department of the Army Historical Advisory Committee.  
DoD Labor-Management Advisory Committee on Occupational Safety and Health.

DoD Wage Committee.  
Environmental Advisory Board, Chief of Engineers.  
High Energy Laser Review Group (HELRLG).  
Military Airlift Committee of the National Defense Transportation Association.  
National Board for the Promotion of Rifle Practice.  
National Security Agency Scientific Advisory Board.  
Natural Resources Conservation Award Selection Committee, SecDef.  
Naval Research Advisory Committee.  
Naval Weapons Center Advisory Committee.  
Navy Resale System Advisory Committee.  
Oceanographic Advisory Committee.  
Scientific Advisory Board, Armed Forces Institute of Pathology.  
Scientific Advisory Committee of the Ballistic Research Laboratories.  
Scientific Advisory Group for the Joint Strategic Target Planning Staff.  
Scientific Advisory Group on Effects.  
Secretary of Defense Design Awards Jury.  
Secretary of the Navy's Advisory Board of Education and Training.  
Secretary of the Navy's Advisory Committee on Naval History.  
Shoreline Erosion Advisory Panel.  
Tank Automotive Research and Development Scientific Advisory Group.  
Underwater Sound Advisory Committee.  
U.S. Army Coastal Engineering Research Board.  
U.S. Army Medical Research and Development Advisory Panel.  
U.S. Army Military History Research Collection Advisory Committee.  
U.S. Army Missile Command Scientific Advisory Group.  
USAP Scientific Advisory Board.  
Winter Navigation Board.

MAURICE W. ROCHE,  
Director, Correspondence and  
Directives Office of the Assistant  
Secretary of Defense  
(Comptroller).

MARCH 14, 1977.

[FR Doc.77-7837 Filed 3-16-77; 8:45 am]

## FEDERAL ELECTION COMMISSION

[Notice 1977-16, AOR 1977-11]

### ADVISORY OPINION REQUESTS

Pursuant to U.S.C. 437f(c) and the procedures reflected in Part 112 of the Commission's Proposed Regulations, published on August 25, 1976 (41 FR 35954), Advisory Opinion Request 1977-11 has been made public at the Commission. Copies of AOR 1977-11 were made available on March 16, 1977. These copies of the advisory opinion request were made available for public inspection and purchase at the Federal Election Commission, Public Records Division, at 1325 K Street, NW., Washington, D.C. 20463.

Interested persons may submit written comments on any advisory opinion request within ten days after the date the request was made public at the Commission. These comments should be directed to the Office of the General Counsel, Advisory Opinion Section, at the Commission. Persons requiring additional time in which to respond to any advisory opinion requests will normally be granted such time upon written request to the Commission. All timely com-

ments received by the commission will be considered before the Commission issues an advisory opinion. Comments on pending requests should refer to the specific AOR number of the requests and statutory references should be to the United States Code citations rather than to the Public Law citations.

A description of the request recently made public as well as the identification of the requesting party follows hereafter:

AOR 1977-11: This request raises several questions concerning the candidate status of a Member of Congress and the types of expenditures which may be "authorized" from a campaign account:

(1) Does a Member of Congress need to "officially declare" as a candidate for reelection in order to keep a previous campaign account "open and active for the receipt and disbursement of funds?"

(2) Would the following types of expenditures of a "quasi-political" nature be authorized from a campaign account?

"(a) Cost of travel within the District (or State) to address a Republican meeting or rally if the Member is Republican?"

"(b) Cost of flowers sent to constituents for funerals, anniversaries, etc.?"

"(c) Cost of (telegrams, special delivery letters, etc.) sent to Republican organizations and not an authorized charge against House allowance for Official Expenses?"

"(d) Cost of flags purchased by Members and donated to civic, veterans, and charitable organizations?"

"(e) Cost of wife's travel within the District when she is specifically invited to attend functions (meetings, speeches, receptions, etc.) with her Member husband?"

"(f) Cost of printing and mailing of newsletters which, because of content, do not qualify for distribution under the frank?"

"(g) Cost of meals and other entertainment expenses for constituents either in Washington or in the District?"

Requested by Representative L. A. Bafalis, House of Representatives, Washington, D.C. 20515.

VERNON W. THOMSON,  
Chairman for the  
Federal Election Commission.

MARCH 15, 1977.

[FR Doc.77-8029 Filed 3-17-77; 8:45 am]

## FEDERAL ENERGY ADMINISTRATION

### CANADIAN ALLOCATION PROGRAM

Supplemental Notice for January 1 Through June 30, 1977

In accordance with § 214.32(c) of FEA's Mandatory Canadian Crude Oil Allocation Regulations, 10 CFR Part 214, a supplemental notice to reflect revisions in authorized export levels of Canadian crude oil for the allocation period January 1 through June 30, 1977, is hereby published.

The revised issuance of Canadian crude oil rights for the January 1, 1977 allocation period to refiners and other firms is set forth in the Appendix to this notice. As to this allocation period, the Appendix lists the name of each refiner and other firm to which rights have been issued, the revised number of rights, expressed in barrels per day, issued to each such refiner or other firm and the specific first or second priority refineries for which such rights are applicable.



These issuances are based upon the following export levels authorized by the Canadian Government for the January 1 through June 30, 1977, export period:

Month(s):	Barrels per day
January	309,175
February through June	315,000

The average authorized Canadian export level for this allocation period is 314,002 barrels per day. The adjusted base period volumes for all first priority refineries total 257,253 barrels per day, which reflect revised estimates as to utilization of Canadian crude oil of two refineries. The adjusted base period volumes for all second priority refineries total 469,029 barrels per day. To conform to the authorized Canadian export level of 314,002 barrels per day, a factor of 0.120993 was applied to all second priority base period volumes which as so adjusted total 56,749 barrels per day.

This notice is issued pursuant to Subpart G of FEA's regulations governing its administrative procedures and sanctions, 10 CFR Part 205. Any person aggrieved hereby may file an appeal with FEA's Office of Exceptions and Appeals in accordance with Subpart H of 10 CFR Part 205. Any such appeal shall be filed on or before April 18, 1977.

Issued in Washington, D.C., on March 11, 1977.

ERIC J. FYGI,  
Acting General Counsel.

APPENDIX.—Canadian Allocation Program  
Rights for Jan. 1, 1977, to June 30, 1977

Refiner/refinery	Priority	Allocation, barrels per day
Amoco:		
Whiting, Ind.	II	3,107
Casper, Wyo.	II	347
Mandan, N. Dak.	II	1,044
Sugar Creek, Mo.	II	37
ARCO: Cherry Point, Wash.	II	3,975
American Petrofina: El Dorado, Ak.	II	23
Ashland:		
Buffalo, N.Y.	II	4,269
Findlay, Ohio	II	255
St. Paul Park, Minn.	I	44,707
Dow: Bay City, Mich.	II	322
Clark: Blue Island, Ill.	II	2,179
Consumers Power:		
Essexville, Mich.	I	10,288
Marysville, Mich.	I	27,306
Continental:		
Billings, Mont.	I	25,994
Denver, Colo.	II	539
Ponca City, Okla.	II	134
Wrenshall, Minn.	I	20,651
CRA:		
Coffeyville, Kans.	II	37
Phillipsburg, Kans.	II	20
Scotts Bluff, Nebr.	II	47
Crystal Refining: Carson City, Mich.	II	129
Energy Cooperative: East Chicago, Ill.	II	1,255
Exxon: Billings, Mont.	I	15,908
Farmers Union: Laurel, Mont.	I	13,439
Gladieux: Fort Wayne, Ind.	II	90
Gulf: Toledo, Ohio	II	1,539
Husky:		
Cheyenne, Wyo.	II	565
Cody, Wyo.	II	94
Koch: St. Paul, Minn.	I	74,383
Lake Superior District Power:		
Ashland, Wis.	I	125
Laketon: Laketon, Ind.	II	16
Lakeside: Kalamazoo, Mich.	II	144
Little America: Casper, Wyo.	II	261
Marathon: Detroit, Mich.	II	1,196
Mobil:		
Buffalo, N.Y.	II	2,903
Ferndale, Wash.	II	5,278
Joliet, Ill.	II	1,097

Refiner/refinery	Priority	Allocation, barrels per day
Murphy: Superior, Wis.	I	25,625
NCRA: McPherson, Kans.	II	97
Pasco: Sinclair, Wyo.	II	84
Phillips:		
Great Falls, Mont.	II	142
Kansas City, Kans.	II	389
Rock Island: Indianapolis, Ind.	II	124
Shell:		
Anacortes, Wash.	II	6,405
Wood River, Ill.	II	1,007
Sun: Toledo, Ohio	II	1,908
Standard Oil of Ohio: Toledo, Ohio	II	3,300
Tenneco: Chalmette, La.	II	205
Tosco: New Castle, Wyo.	II	70
Texaco:		
Anacortes, Wash.	II	4,789
Casper, Wyo.	II	160
Lockport, Ill.	II	145
Texas American: West Branch, Mich.	II	234
The Refinery Corp.: Commerce City, Colo.	II	20
Thunderbird:		
Cut Bank, Mont.	II	64
Kevin, Mont.	I	1,097
Total Petroleum, Inc.: Alma, Mich.	II	1,130
Union Oil of California: Lemont, Ill.	II	1,369
United Refining: Warren, Pa.	II	1,152

[FR Doc.77-7794 Filed 3-11-77;4:57 pm]

CANADIAN ALLOCATION PROGRAM

Availability of Canadian Heavy Crude Oil Outside of Exportable Surplus for U.S. Refiners

The Government of Canada has notified the Federal Energy Administration ("FEA") that 900,000 barrels of heavy crude oil, which are not part of Canada's monthly exportable surplus, are available immediately for export to the United States. This volume of heavy crude oil is in addition to the 800,000 barrels of heavy crude oil which Canada made available outside its exportable surplus in February 1977 (42 FR 9703, February 17, 1977).

The Mandatory Canadian Crude Oil Allocation Regulations provide as follows at 10 CFR § 214.1(b):

**Applicability.** This part applies to all Canadian crude oil imported after December 31, 1975 except for (1) crude oil authorized for export by Canada for the period ending December 31, 1975, that was not actually imported into the United States by that date, and (2) Canadian crude oil the export of which is not a factor in the calculations for the maximum export levels fixed by Canada.

Since the 900,000 barrels of Canadian heavy crude oil are not a factor in the calculations for the maximum export levels fixed by Canada, this crude oil is not subject to the regulations under FEA's Canadian Allocation Program.

Accordingly, notice is hereby given that refiners desiring to purchase this Canadian heavy crude oil should contact the Canadian National Energy Board directly. The requirements of 10 CFR 213.28(c) pertaining to applications for fee-exempt allocations of Canadian crude oil imports apply to imports of this Canadian crude oil.

Issued in Washington, March 14, 1977.

ERIC J. FYGI,  
Acting General Counsel.

[FR Doc.77-7858 Filed 3-14-77;2:02 pm]

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

Week of January 17 Through January 21, 1977

Notice is hereby given that during the week of January 17 through January 21, 1977, 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.

APPEAL

Batzell, Nunn & Bode; Washington, D.C.;  
FAA-1097; Freedom of Information

Batzell, Nunn & Bode (Batzell, Nunn) filed an Appeal from a partial denial by the FEA Information Access Officer of a Request for Information which the firm had submitted under the Freedom of Information Act (the Act). In its initial request, Batzell, Nunn had requested certain documentary material regarding the FEA's proposal to exempt naphthas, gas oils and other products from the FEA Mandatory Petroleum Allocation and Price Regulations. In the Order which was issued to the firm, the FEA Information Access Officer released one memorandum and withheld two others on the grounds that they were exempt from mandatory disclosure under Section 552(b)(5) of the Act. The Information Access Officer also found that their release would not be in the public interest. On Appeal, Batzell, Nunn contended that the Information Access Officer failed to respond adequately to its request and further erred by failing to state with sufficient particularity the grounds upon which the material was withheld. Batzell, Nunn also asserted that the withheld material was subject to mandatory disclosure under the Act and that its release would be in the public interest. In considering the Appeal, the FEA found that although the initial Order did not adequately respond to the first portion of Batzell, Nunn's request, a thorough search was made for documents responsive to that portion of its request and none was found. The FEA also determined that the two memoranda which were withheld by the Information Access Officer were integral parts of written agency deliberations and that their release would inhibit the free flow of information and opinions among FEA officials. Accordingly, the FEA concluded that these two memoranda were properly withheld under Section 552(b)(5) of the Act, and that their release would not be in the public interest. This part of Batzell, Nunn's Appeal was therefore denied. However, the FEA also found that an attachment to one of the withheld memoranda containing a Table estimating SNG plant capacities and investments was segregable from the body of the memorandum and did not appear to be exempt from mandatory disclosure under Section 552(b)(5). The Information Access Officer was therefore directed to release all portions of the Table containing non-proprietary data. Finally, since other documents do exist which are within the scope of the initial Batzell, Nunn request for information and which were not previously released, the Information Access Officer was directed to review the documents involved and promptly release to Batzell, Nunn the material which is subject to mandatory disclosure under the Act and the FEA Regulations.



## PETITION FOR SPECIAL REDRESS

*Phillips Petroleum Co., Bartlesville, Okla., FSG-0033, FES-0059; Refined Petroleum Products*

Phillips Petroleum Company filed a Petition for Special Redress in which it requested that a Special Report Order issued to the firm by the Deputy Regional Administrator of FEA Region VI be rescinded. In its Petition, Phillips alleged that the Special Report Order could not possibly be construed as properly falling within the scope of any FEA compliance proceeding because it related solely to a subject which is not even addressed in the FEA Regulations. Phillips also contended that the Special Report Order imposed unduly burdensome requirements on the firm. In considering the firm's Petition, the FEA noted that, subsequent to the issuance of the Special Report Order to Phillips, the FEA promulgated regulatory amendments which provide for a different form of review of all Special Report Orders. In view of the serious and substantial questions which Phillips raised in its Petition concerning the Special Report Order issued to the firm, the FEA concluded that Phillips should be permitted to obtain administrative review of the Special Report Order under the provisions of the new regulatory amendments. In order to ensure that Phillips would have an adequate opportunity to seek a review of the Special Report Order under the new procedures, the FEA stayed the requirement that Phillips submit the information required by the Special Report Order pending the submission of and determination on an application to quash or modify the Special Report Order to be filed with the Deputy Regional Administrator of FEA Region VI.

## REQUESTS FOR EXCEPTION

*Boston Gas Co.; Washington, D.C.; FXE-3577; Propane*

Boston Gas Company filed an Application in which it requested an extension of exception relief which had been granted to the firm on March 8, 1974 and which was scheduled to terminate on January 31, 1977. The firm asserted that the extension was necessary in order to ensure that Boston Gas would be able to retain and utilize its current allocation of propane for use as an SNG feedstock for the remainder of the current heating season. In considering the Boston Gas request, the FEA observed that a hearing had been held with respect to the firm's Application for Assignment of SNG feedstock on January 10, 1977, and that the record in that proceeding would not be closed until January 28, 1977, only three days prior to the expiration date of the March 8, 1974 exception relief. The FEA also noted that a final determination on that Application was not expected to be issued by the FEA Office of Regulatory Programs until shortly after February 1, 1977. Consequently, in order to ensure that Boston Gas would have access to an adequate supply of SNG feedstock pending a determination on its Application for Assignment, the FEA extended the exception relief granted on March 8, 1974 until February 22, 1977.

*Southwestern Refining Company, Inc., Salt Lake City, Utah; FES-3275; Crude Oil*

Southwestern Refining Company, Inc., filed an Application for Exception in which it requested that it be relieved of any obligation to purchase entitlements under the provisions of 10 CFR 211.67 (the Old Oil Entitlements Program) subsequent to October 1976. Southwestern also requested that the FEA issue additional entitlements to the firm which would be equal in value to the entitlements which it actually purchased during

the period August 1975 through October 1976. In considering Southwestern's request for exception relief, the FEA determined that the firm had failed to make a showing that it would incur a severe irreparable injury or that other compelling reasons existed for the approval of retroactive exception relief. The firm's request for retroactive exception relief, was therefore denied. In considering Southwestern's request for prospective exception relief, the FEA determined that due to a planned refinery expansion and resulting changes in the firm's projected crude oil receipts and crude oil runs to stills Southwestern would be a purchaser of entitlements in the months of November 1976 through March 1977 and a seller of entitlements subsequent to April 1977. Since the firm would be a net seller of entitlements during its 1977 fiscal year and would therefore realize significant benefits under the Entitlements Program, the FEA concluded that Southwestern did not qualify for the type of exception relief generally granted to small refiners. However, the FEA also determined that the firm is currently experiencing cash flow difficulties and exception relief should be granted in order to minimize the adverse impact which the Entitlements Program would have on the firm's cash flow. Since Southwestern's November and December 1976 entitlement purchase requirements had been stayed pending a final determination on the firm's exception request, the FEA granted Southwestern additional entitlements to sell during the month of January 1977 in order to obtain sufficient revenues to consummate its purchase obligations for November and December. The FEA also stayed Southwestern's projected January, February and March 1977 entitlement purchase requirements and provided that the amount of entitlements which Southwestern would otherwise have been required to purchase during the period November 1976 through March 1977 would be offset against Southwestern's entitlement sales requirements for April 1977 and subsequent months.

## REQUESTS FOR STAY

*Texas American Oil Corp.; Midland, Tex., FES-1115; Crude Oil*

Texas American Oil Corporation (TAO) filed an Application for Stay of certain provisions of a Decision and Order which the FEA issued to the firm on December 16, 1976. United Ref. Co.; Texas American Oil Corp., 4 FEA Par. 83,262 (December 16, 1976). The December 16 Decision granted exception relief in connection with TAO's proposed acquisition of a refinery located in Osceola, Michigan which was previously owned by the United Refining Company. Under the terms of the exception determination United would earn entitlements for crude oil runs to stills in all months prior to the month in which the sale of the refinery was consummated and TAO would earn entitlements for crude oil runs to stills in all subsequent months. However, since TAO had already obtained unwarranted entitlements revenues as a result of the fact that it was incorrectly listed as the firm that was eligible to receive entitlement benefits with respect to the Osceola refinery for two months prior to the sale of the refinery and thereby received greater benefits under the small refiner bias than United would have received, the December 16 Decision directed that TAO remit the excessive revenues. In its present application, TAO requested a stay of the obligation that it remit these revenues pending a final determination of an Appeal from the previous Decision and Order which it had filed. TAO also requested that it be permitted to earn the additional entitlements on the Entitlement Notice which the FEA published in Jan-

uary 1977 for crude oil runs to stills in November 1976. In considering the request for stay, the FEA found that, as the owner of the Osceola refinery, United alone was permitted to earn entitlements for crude oil runs to stills in all months prior to December 1976. The FEA also found that United was required to pass through these revenues to TAO for the three months of September, October and November 1976 when TAO actually operated the refinery. The FEA pointed out that if a firm were eligible to earn entitlements merely because it operated a refinery, then a firm could frustrate the intent of the Entitlements Program by establishing subsidiary corporations to operate refineries or by entering into artificial sales of refineries to third parties on a profit-sharing basis for the sole purpose of maximizing its small refiner bias. The FEA nevertheless determined that, with respect to the remission of TAO's entitlement revenues for October and November 1976, the immediate repayment of these funds could jeopardize TAO's ability to operate the newly-acquired refinery on a profitable basis. The provisions of the December 16 Decision which required TAO to remit the revenues for these two months were therefore stayed. However, with respect to TAO's further request that it receive additional entitlements through the benefits obtained from the use of a small refiner bias on the January 1977 Entitlement Notice, the FEA found no basis to perpetuate a situation in which TAO would continue to receive excessive benefit at the expense of every refiner that is required to purchase entitlements. Consequently, the TAO application was denied with respect to entitlements earned in the month of November 1976.

*Varibus Corp.; Beaumont, Tex.; FES-0052; No. 2 Fuel Oil*

Varibus Corporation filed an Application for Stay pending judicial review of a Remedial Order which was issued to the firm by the Deputy Regional Administrator of FEA Region VI on September 20, 1976. On December 17, 1976, Varibus' Appeal from the September 20 Remedial Order was denied. Varibus Corp., 4 FEA Par. 80,593 (December 17, 1976). Varibus had also filed an Application for Exception which, if granted, would have relieved the firm of any liability to refund overcharges on sales of No. 2 fuel oil. In an October 29, 1976 Decision and Order, exception relief of the type which Varibus requested was denied. Varibus Corp., 4 FEA Par. 83,152 (October 29, 1976). That denial of exception relief was sustained on appeal. Varibus Corp., 4 FEA Par. \_\_\_\_\_ (January 3, 1977). The present Varibus Application for Stay, if granted, would temporarily relieve Varibus of its obligation to refund to its customers the revenues which it received during the month of October 1973 as a result of its overcharges on two sales of No. 2 fuel oil. Funds equal to those revenues were placed in an escrow account pending final determination by the FEA of Varibus' Appeal from the September 20 Remedial Order or a determination on its Application for Exception. In considering the Varibus request for stay, the FEA determined that very little likelihood existed that Varibus would succeed in obtaining the relief which it seeks through its lawsuit challenging the September 20 Remedial Order. The FEA noted that it has already fully considered on a number of different occasions the contentions which Varibus intends to raise in that lawsuit. The FEA has found that no proper basis existed at this point for continuing to deprive consumers of the funds to which they are entitled for overcharges which occurred more than three years ago. Finally, the FEA found that Varibus had presented no justification for a stay which would outweigh the com-



peiling public interest of scouring timely compliance with the FEA price regulations. The Varibus Applications for Stay was therefore denied.

## SUPPLEMENTAL ORDER

*B & D Oil Co., Inc.; Iron Range Propane Co., Inc.; Hibbing, Minn.; FEX-0116; Propane*

On December 28, 1976 the Federal Energy Administration issued a Decision and Order to B & D Oil Company, Inc. and Iron Range Propane Company, Inc. staying the refund provisions of a Remedial Order which had been issued to the firm on December 1, 1976. B & D Oil Co., Inc.; Iron Range Propane Co., Inc., 4 FEA Par. ----- (December 28, 1976). The Stay was granted, however, on the condition that B & D place the disputed funds in an escrow account pending a final determination on the merits of the Appeal which it had filed from the Remedial Order. Under the terms of the Stay Order, B & D was required to establish the escrow account by January 17, 1977. On the basis of a determination that good cause existed for approval of a 15-day extension of time in which to establish the account, the FEA issued a Supplemental Order providing that the escrow account must be established on or before February 1, 1977.

## DISMISSALS

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

*Boise Aviation Fuel Co.; Seattle, Wash., FEE-3211*

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

*Southern Natural Gas Co.; Washington, D.C., FST-0030*

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 NW., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 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.

ERIC J. FYGI,  
Acting General Counsel.

MARCH 13, 1977.

[FR Doc.77-7853 Filed 3-14-77; 2:00 pm]

## VOLUNTARY AGREEMENT AND PLAN OF ACTION TO IMPLEMENT INTERNATIONAL ENERGY PROGRAM

## Meetings

In accordance with section 252(c)(1) (A) (i) of the Energy Policy and Conservation Act (Pub. L. 94-163), notice is hereby provided of meetings of the Industry Advisory Board to the International Energy Agency and of Subcommittees A and C of the Industry Advisory Board.

A meeting of the Industry Advisory Board (IAB) to the International Energy Agency (IEA) will be held on March 24 and 25, 1977, at the offices of Exxon Corporation, 1251 Avenue of the Amer-

icas, New York, New York, beginning at 9:30 a.m. on March 24. The agenda is as follows:

1. Opening remarks by Chairman and report on communications to and from IEA including a report on the SEQ meeting of December 9th.
2. Matters arising from record note of IAB meeting on December 2nd.
3. Position of Reporting Companies under:
  - (a) EEC competition regulations.
  - (b) U.S. Voluntary Plan.
4. Report by IEA Secretariat on status of:
  - (a) SEQ forecast.
  - (b) Demand restraint.
  - (c) Emergency Management Manual, including Chapter D: Emergency Reserves.
5. Report on and discussion of work of Subcommittee A, including:
  - (a) Acceptance of final appraisal report for Fall 1976 Allocation Systems Test, following Reporting Company meeting on January 11-12, 1977.
  - (b) Status of work arising from the appraisal report, including:
    - (1) Effective date of demand restraint for allocation calculation purposes.
    - (2) Adjustment of base period final consumption for activation and allocation calculation purposes.
    - (3) Calculation of supplies available to the IEP group.
    - (4) Revision of Questionnaires A and B reporting instructions, including reporting of Japanese data, transshipments, unallocated oil and data cutoff dates.
    - (5) Revision of instructions for reporting Phase 2 offers.
    - (6) IEA facilities and contingency staffing plan.
6. Report on and discussion of work of Subcommittee C, including:
  - (a) Extraordinary and additional costs.
  - (b) Settlement of disputes.
  - (c) Pricing in an emergency.
  - (d) Treatment of additional supplies from emergency allocation procedures.
7. Industry Supply Advisory Group (ISAG), organization and manning of positions.
8. Dates and venues of future meetings of IAB and subcommittees.

A meeting of Subcommittee C of the Industry Advisory Board (IAB) to the International Energy Agency will be held on March 23, 1977, at the offices of Mobil Oil Corporation, 150 East 42nd Street, New York, New York, beginning at 1:00 p.m. The agenda is as follows:

1. Opening remarks by the Chairman.
2. Pricing in an emergency.
3. Future work of Subcommittee C.

A meeting of Subcommittee A of the Industry Advisory Board to the International Energy Agency (IEA) will be held on March 25, 1977, at the offices of Exxon Corporation, 1251 Avenue of the Americas, New York, New York, beginning at 9:00 a.m. The agenda is as follows:

1. Review of the IEA Secretariat's draft questionnaire A and B reporting instructions.
2. Other matters resulting from the March 24-25 IAB meeting relating to Subcommittee A activities.

As provided in section 252(c)(1)(A)(ii) of the Energy Policy and Conservation Act, these meetings will not be open to the public. Unanticipated circumstances have required the notice period as contained in § 209.32(b) of FEA regulations to be shortened.

Issued in Washington, D.C., March 14, 1977.

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

[FR Doc.77-7945 Filed 3-14-77; 4:54 pm]

[Docket No. E77-55]

EMERGENCY NATURAL GAS ACT OF 1977  
Emergency Order

On March 10, 1977, Columbia Gas Transmission Corporation (Columbia) filed, pursuant to Section 8 of the Emergency Natural Gas Act of 1977 (Act), Pub. L. 95-2 (91 Stat. 4 (1977)), an application for an order (i) confirming that the terms of Columbia's purchase of liquefied natural gas (LNG) from Phillips Petroleum Company (Phillips) and Marathon Oil Company (Marathon) and the transportation and delivery arrangements for that LNG are fair and equitable, (ii) declaring that the provisions of the Natural Gas Act (15 U.S.C. 717, et seq.) will not apply to Distrigas of Massachusetts Corporation (DOMAC) and Boston Gas Company (Boston) by reason of their receipt and displacement of such gas for the benefit of Columbia, and (iii) authorizing DOMAC, Boston and Tennessee Gas Pipeline Company (Tennessee) to receive, displace, and deliver to Columbia volumes of natural gas equivalent to the volumes of LNG delivered to DOMAC for Columbia's account.

By orders issued in Phillips Petroleum Company, Docket No. E77-19 (February 18, 1977), and Marathon Oil Company, Docket No. E77-26 (February 23, 1977), those companies were authorized to sell Columbia their respective shares of 440,000 barrels of LNG (equivalent to approximately 1.5 Bcf of vaporeous natural gas) at a price of \$1.55 per Mcf. This price was found to be fair and equitable in accordance with Order No. 2. Thus, Columbia is authorized to make such purchase and the terms and conditions of that purchase have been found previously to be fair and equitable.

Columbia also requests approval of the transportation charges associated with the delivery of this gas from the Phillips-Marathon LNG plant at Nikiski, Alaska, to Columbia. The gas will be delivered from Nikiski to DOMAC's Everett, Massachusetts, terminal by the SS *Kenai Multina*.<sup>1</sup> DOMAC will regasify the LNG received at its terminal and deliver the vaporeous gas to Boston, which has a pipeline connection to DOMAC's terminal. Boston will reduce its takes from Tennessee by the equivalent Btu's received from DOMAC, and Tennessee will deliver equivalent volumes to Columbia by displacement through existing interconnections.

Columbia estimates that the following charges will be incurred in addition to the purchase price of the LNG:

<sup>1</sup> On February 1, 1977, the Secretary of the Treasury waived the provisions of the Jones Act (46 U.S.C. 883) to permit the SS *Kenai Multina* to make two voyages between Nikiski and Everett.



Item	Cost per 1,000 ft <sup>3</sup>	Charge
Ocean transportation.....	\$1,409	\$1,902,000
Terminating and delivery..	.975	1,316,250
Boston displacement.....	.235	268,215
Total.....		3,516,465

Also, as a result of bolloff during transportation and fuel charges and losses, Columbia will receive from Tennessee approximately 1,269,000 Mcf of approximately 1,500,000 Mcf delivered at Nikiski. The unit transportation and delivery charges are \$2.771 per Mcf.

The total unit cost (including purchase price) of the delivered volumes to Columbia is \$4.603 per Mcf. This total unit cost is determined by dividing the total costs to be incurred by Columbia of \$5,841,465 by the volumes to be received by Columbia (1,269,000 Mcf).

Columbia states that the charge for the SS *Kenai Multina* was arrived at by arm's-length negotiation since there are no standard charter rates for LNG tankers. Columbia further states that the charge for this transportation of 1.93 cents per MMBtu per 100 miles compares favorably with the proposed transportation charges of 2.21 cents per MMBtu per 100 miles in FPC Docket No. CP77-218 and 2.28 cents per MMBtu per 100 miles in FPC Docket No. CP71-68, et al.

Columbia will pay DOMAC \$0.975 per Mcf for terminalling and delivery services. This payment is based on the rates provided in DOMAC's FPC Gas Rate Schedule TS.

In addition, Columbia will pay Boston 23.5 cents per Mcf displaced to compensate Boston for lost sales revenues as set forth in information filed by Boston in FPC Docket No. CP76-85. Boston's tariffs approved by the Massachusetts Department of Public Utilities require it to bill on an Mcf basis. However, Boston must pay DOMAC and Tennessee on an MMBtu basis. Thus, because the gas received from DOMAC typically has a greater Btu content than gas received from Tennessee, Boston will experience decreased sales volumes but is required to pay Tennessee for the volumes displaced to Columbia.

Pursuant to Section 6(c) of the Act, I find that Columbia and the owners of the SS *Kenai Multina*, DOMAC, Boston and Tennessee have agreed upon the transportation arrangements and charges to deliver LNG from Nikiski, Alaska, to Columbia's system. Accordingly I find no reason to prescribe other transportation rates and charges and hereby approve the transportation arrangements for the shipment of LNG for Columbia. Pursuant to Section 6(a) of the Act, Columbia is hereby authorized to purchase LNG from Phillips and Marathon, and the terms and conditions of that purchase have been found to be fair and equitable.

According to the official files of the FPC, Boston is not classified as a natural gas company within the meaning of the Natural Gas Act. Section 6(b)(1)(A) of the Act provides in part that "[t]he

provisions of the Natural Gas Act shall not apply \* \* \* to any sale to an interstate pipeline \* \* \* under the authority of subsection (a) or to any transportation by an intrastate pipeline in connection with such sale \* \* \* 91 Stat. at 8. DOMAC and Tennessee are natural gas companies within the meaning of the Natural Gas Act. Section 6(b)(1)(B) provides that the provisions of the Natural Gas Act shall not apply "to any natural gas company (within the meaning of the Natural Gas Act) solely by reason of any such sale or transportation." Thus, the delivery, displacement and transportation of this gas will not subject DOMAC, Boston or Tennessee to the provisions of the Natural Gas Act.

Columbia shall submit weekly reports as required by Order No. 4.

This order is issued pursuant to the authority delegated to me by the President in Executive Order No. 11969 (February 2, 1977), and shall be served upon Columbia, Phillips, Marathon, DOMAC, Boston, and Tennessee. This order shall also be published in the FEDERAL REGISTER.

This order and authorization granted herein are subject to the continuing authority of the Administrator under Pub. L. 95-2 and the rules and regulations which may be issued thereunder.

RICHARD L. DUNHAM,  
Administrator.

MARCH 14, 1977.

[FR Doc.77-7912 Filed 3-16-77;8:45 am]

[Docket No. E77-52]

#### EMERGENCY NATURAL GAS ACT OF 1977 Supplemental Emergency Order

On March 10, 1977, Raton Natural Gas Company (Raton) was authorized pursuant to Section 6 of the Emergency Natural Gas Act of 1977 (Act), Pub. L. 95-2 (91 Stat. 4 (1977)), to purchase 300 Mcfd and up to 500 Mcfd from Independent Gas Service Company (Independent) for a period of thirty (30) days.

By supplemental filing submitted March 11, 1977, Raton advised that the correct name of the seller is Industrial Gas Services, Inc. (Industrial), not Independent Gas Service Company. The March 10, 1977 order is hereby amended to state that Raton is purchasing from Industrial Gas Services, Inc., not Industrial Gas Service Company. To the extent not inconsistent with the provisions of this order, the provisions of the March 10, 1977 order remain in full force and effect.

This order is issued pursuant to the authority delegated to me by the President in Executive Order No. 11969 (February 2, 1977), and shall be served upon Raton, Industrial, Colorado Interstate Gas Company, and Greely Gas Company. This order shall also be published in the FEDERAL REGISTER.

This order and authorization granted herein are subject to the continuing authority of the Administrator under Pub.

L. 95-2 and the rules and regulations which may be issued thereunder.

RICHARD L. DUNHAM,  
Administrator.

MARCH 11, 1977.

[FR Doc.77-7911 Filed 3-16-77;8:45 am]

[Docket No. RM76-10]

#### RATE SCHEDULE ANALYSIS ON A CONTINUING CURRENT BASIS: FPC FORM NO. 108

##### Order Convening Technical Conference

MARCH 11, 1977.

On November 22, 1976, the Commission issued Order No. 556 promulgating Form No. 108 to provide the Commission with information, by rate schedule, necessary to help in determining the amount of gas flowing in interstate commerce, the impact of future ratemaking proposals, and the enforcement of the prudent operator standard enunciated in Order No. 539-B.<sup>1</sup> Form No. 108 incorporated into one form and eliminated the need to file several other Commission forms. Use of the new form was prospective beginning on January 1, 1977.

Petitions for rehearing of Order No. 556 were filed by Exxon Corporation (Exxon), Shell Oil Company (Shell), Atlantic Richfield Company (Atlantic Richfield), Marathon Oil Company (Marathon), Texaco Inc. (Texaco), Superior Oil Company (Superior), and Tenneco Oil Company (Tenneco). Rehearing for purposes of further consideration was granted on January 21, 1977. A partial stay of the filing requirements under Order No. 556 was granted on February 14, 1977.

Numerous respondents have requested that the Staff convene a conference in this proceeding to discuss certain aspects of the form. Because of the apparent confusion among those who will have to complete Form No. 108 as to exactly what information the Commission is requiring them to file and how, we direct our Staff to hold a technical conference, on the record, to avail any party of the opportunity to come forward and attempt to clarify any ambiguities in the instructions to Form No. 108. This conference will be held on March 25, 1977.

This conference is solely a technical workshop designed to provide the respondents with a chance to assist the Staff in formulating new or modifying existing instructions that are not sufficiently clear so as to eliminate, as much as possible, any misunderstandings of interpretation that could unduly delay the implementation of the Form No. 108 program. This conference is not directed at discussions of substantive or procedural matters raised in the petitions for rehearing of Order No. 556. For example, presentations addressing the legality of the form, notice and due process ques-

<sup>1</sup> Order Clarifying Prior Order And Amending Section 157 Of The Commission's Regulations Under The Natural Gas Act.—FPC—(July 27, 1976), appeal pending, Shell Oil Co. v. F.P.C., Nos. 76-3066, et al. (5th Cir.).



tions, whether the information required on the form is necessary or proper for the Commission's purposes, arguments of duplication of filing, or any other matter not of a technical nature will not be entertained at the conference. Accordingly, respondents that choose to appear at the conference are requested to confine their remarks to the issues in the Staff's set forth in attached Appendix A, or such other items as relate to the instructions to the form.

Prior to the convening of the conference on March 25, 1977, Staff will prepare and file on all parties by March 14, 1977, an errata notice correcting certain mistakes in the schedules, such as coding deficiencies, incorrect data references, and inadequate data field sizing. Staff will also expand on the attached Appendix A by delineating more specifically the problems that have arisen with respect to individual data fields and the instructions accompanying those data fields.

In addition to the Staff submittals, interested persons may prepare a list of specific technical problems relating to completing Form No. 108 that could be the subject of discussion at the conference. This information should be submitted to the Commission and filed on all parties on or before March 21, 1977. Staff will endeavor to coordinate all information filed in response to this order and prepare for discussion at the conference on agenda of items to be covered and proposed solutions to the technical problems raised in the petitions for rehearing and in response to the instant order.

Certain parties have also requested a stay of the effectiveness of Order No. 556 pending a final Commission order on rehearing. The February 14, 1977 order in this proceeding granted a delay in the filing of Schedules 501 and 505 of Form No. 108 until July 1, 1977. Other schedules, however, became effective as of January 1, 1977, and must be utilized at the present time. Order No. 556 terminated as of January 1, 1977, the forms that were in use prior to the adoption of Form No. 108, and re-institution of those forms would only result in confusion at this point. Based on the representations expressed in petitions for rehearing and our Staff's analysis of filings already made, it is our judgment that any difficulties respondents may have in completing certain schedules of Form No. 108 are not so substantial that it warrants rescinding the effectiveness of Order No. 556 and re-instituting outmoded and terminated forms. Furthermore, since the conference will be held on March 25, 1977, and the Commission plans to issue its final order on rehearing shortly thereafter, no stay of the filing requirements of Form No. 108 appears necessary at this time.

At mimeo page five of Order No. 556 the Commission states that by March 31, 1977, it would transmit to all producers that compiled with the August 1973 order in Docket No. R-478 a copy of the appropriate schedules of Form No. 108

filled out with the information currently on file with the Commission, and the producer were required by June 30, 1977, to verify the data on these schedules and complete any portions of Form No. 108 that requested new information. Because of the technical difficulties that have arisen, this schedule can not now be met. Therefore, the Commission will postpone its submission from March 31, 1977, to June 30, 1977 and the producer verification from June 30, 1977, to September 30, 1977.

*The Commission orders:* (A) The Commission staff will convene on March 25, 1977, at 10:00 A.M. in a hearing room to be designated at the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, a technical conference to discuss certain matters with respect to Form No. 108 as adopted by Order No. 556, issued November 22, 1976, as more fully set forth above. Such conference will be conducted by staff personnel. A stenographic record of the conference shall be maintained and will be forwarded to the Commission as part of the record in this proceeding to be considered on rehearing of Order No. 556. Any interested party may attend the conference, and no formal petition to intervene or notice of intervention will be required in order to participate.

Prior to the convening of the conference, the Staff will issue on March 14, 1977, an errata notice correcting technical mistakes and an expansion on attached Appendix A delineating specific problems with the instructions. Interested persons may provide the Commission and all parties with their own suggested revisions to Form No. 108 by March 21, 1977. On the day of the conference, Staff will disseminate to those attending an agenda for discussion purposes, together with proposed solutions to the problems raised in the petitions for rehearing and in response to the instant order.

(B) The requests for stay of filing schedules of Form No. 108 not previously granted by our order of February 14, 1977, are denied.

(C) The schedule for implementation of the Form No. 108 program set forth at mimeo page five of Order No. 556 is postponed, such that the Commission action would be undertaken by June 30, 1977, rather than March 31, 1977, with producer verification to be completed by September 30, 1977, instead of June 30, 1977.

By the Commission.

KENNETH F. PLUMB,  
Secretary.

APPENDIX A—GENERAL DISCUSSION SUBJECTS FOR WORKSHOP CONFERENCE WITH INDUSTRY

- (1) Changes in filing requirements imposed by Form 108.
- (2) Reasons for multiple analysts.
- (3) Requirements for reporting of et al. information.
- (4) Attestation requirements.
- (5) Questions of duplication.
- (6) Verification of previously filed data.
- (7) Estimated annual volume information.

- (8) Requirements to serve data on other parties.
- (9) Use of the footnote schedule.
- (10) Possible standardization of footnotes.
- (11) Pressure base for reporting rates and volumes.
- (12) Procedure for submitting changes to data previously submitted.
- (13) Additions or clarification of codes in the registrars of data standards.
- (14) Clarification of General and Specific instructions.
- (15) Possibility of establishing a technical committee to consider future changes to Form 108.
- (16) Procedure for informing respondents of corrections made by staff.
- (17) Availability of data in the data bank.
- (18) Size of data fields.

[FR Doc.77-7935 Filed 3-16-77;8:45 am]

[Docket No. ER77-214]

AMERICAN ELECTRIC POWER SERVICE  
CORP.

Changes in Rates and Charges

MARCH 10, 1977.

Take notice that American Electric Power Service Corporation, (AEP) on February 25, 1977 tendered for filing on behalf of its affiliate, Ohio Power Company (Ohio), Supplement No. 3 dated February 1, 1977 to the Interconnection Agreement dated January 1, 1952, between Ohio and Ohio Edison Company, designated Ohio Rate Schedule FPC No. 25.

Section 1 of Supplement No. 3 provides for an increase in the Demand Charge for Short Term Power from \$0.50 to \$0.60 per kilowatt per week. Section 2 of Supplement No. 3 provides for an increase in the transmission charge for third party Short Term Power transactions from \$0.125 per kilowatt per week to \$0.15 per kilowatt per week, proposed to become effective February 7, 1977. Applicant states that since the use of Short Term Power cannot be accurately estimated, it is impossible to estimate the increase in revenues resulting from the Supplement.

Copies of the filing were served upon Ohio Edison Company and the Public Utilities Commission of Ohio.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 22, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.77-7919 Filed 3-16-77;8:45 am]



[Docket No. RI75-129]

**C. CRADY DAVIS ET AL.****Order Approving Settlement and Ordering Refunds**

MARCH 14, 1977.

C. Crady Davis et al. ("Owners") have been selling natural gas as a small producer to Southern Union Gathering Company (Southern Union) from four wells in the San Juan subarea of the Rocky Mountain Area. The contract under which the sale was initiated terminated by its own terms on April 30, 1973. On March 20, 1975, the Owners filed a unilateral increase (Supplement 14 to the Owners Rate Schedule) which would permit an increased rate up to the new national rate established by Opinion No. 699-H. The rate increase was suspended until September 20, 1975.

The proceeding is before the Commission on Certification of a proposed settlement supported by all parties. If the settlement and the proposed rate is approved, the Commission is requested to determine (1) whether Supplement 14 should be effective as of September 20, 1975, the date on which the suspension period ended, or November 28, 1975, the date of the filing of the renewal contract. If the effective date is November 28, 1975, should refunds of excess revenues be required? The Owners support a finding of September 20, 1975, as the effective date. Southern Union did not comment on the settlement but in the settlement agreement it supports an effective date of September 20. Staff believes November 28, 1975, is appropriate and urges that refunds be ordered for excess revenues collected between September 20 and November 28.

Upon a careful review of the stipulation of facts incorporated by the parties as part of the settlement, the settlement agreement between the Owners and Southern Union, and Commission precedent, we find that the settlement should be approved, but that the effective date of the proposed rate increase should be November 28, 1975, and that refunds are required.

Owners filed their unilateral rate increase (Supplement 14) on the basis that Southern Union had not bargained in good faith toward a renewal contract. Opinion No. 699-H does not authorize the new nationwide rate without the execution of a renewal contract, and places the obligation of good faith bargaining on the purchaser.<sup>1</sup> The Commission's order of April 18, 1975, set for hearing only three issues: "(1) whether Southern has been guilty of bad faith concerning negotiation of a renewal contract with Davis et al.; (2) if so, whether Davis et al. is entitled to the nationwide rate as a result thereof; and (3) if so, what the appropriate effective date of said rate should be." Thus, if the evidence showed that there was bad faith bargaining by Southern Union, the Commission indicated that it would be free to consider relief from the requirement of an exe-

<sup>1</sup> Opinion No. 699-H, mimeo p. 41 and 42, n. 94.

cuted renewal contract under Opinion No. 699-H.

The Owners suggest that the hearing record indicates bad faith bargaining and argue for a finding that the renewal contract should be made effective on September 28, 1975. This argument, however, presents an anomaly. By the terms of Paragraph C., 2., of the settlement agreement between Owners and Southern Union, the Owners request that this Commission not determine the validity of their argument on the character of Southern Union's bargaining:

That the public interest will not be served by determining the validity of their respective allegations concerning the prior unsuccessful negotiations for a renewal contract covering the subject sale when the Renewal Contract and the Drilling Agreement resolve the dispute between Gathering Company and Owners in a manner consistent with the public interest.

The Owners, therefore, are asking the Commission not to determine the good faith bargaining issue. At the same time they ask for the same treatment they would get if the Commission not only decided the issue but decided it in their favor.

The rate proposed in Supplement 14, to be effective September 20, has to be rejected. The only basis for approving the rate as of September 20 would be a determination on the merits that Southern Union was guilty of bad faith bargaining. The parties agree, as indicated above, that the issue of good faith bargaining should not be determined. Additionally, the stipulation of facts supporting the settlement agreement contains no indication of bad faith bargaining. There is, accordingly, no basis within the parameters of the settlement, as certified to the Commission, for us to make a determination of bad faith bargaining.

Without a determination of bad faith bargaining, there is no reason for this Commission to vary from the policy established in Opinion No. 699 et al. regarding renewal contracts.<sup>2</sup>

The Commission specifically rejected the contention that the national rate apply upon contract expiration with no need for a contract renewal. It is not sufficient that parties now agree to renew their contracts. Such agreement will not act to *nunc pro tunc* renewal. \* \* \*

We will accept the settlement agreement and provide that the rates set out therein, will be effective as of November 28, 1975. Owners will be required to refund all excess revenues collected between September 20 and November 28, 1975.

The Commission finds: The proposed settlement agreement, certified to the Commission on December 5, 1975 shall be accepted, however, the rate set out therein shall be made effective November 28, 1975.

The Commission orders: (A) The proposed settlement, certified on December

<sup>2</sup> Just and Reasonable National Rates for Sales of Natural Gas, 52 FPC 1604, 1632 (1974).

<sup>3</sup> Aztec Oil and Gas Company, RI74-144 (September 9, 1975) mimeo at 4.

5, 1975, is accepted and the rate set out therein is deemed effective as of November 28, 1975.

(B) C. Crady Davis et al. on or before June 15, 1977, shall file three copies of a final refund report covering all amounts collected in excess of the appropriate just and reasonable rate, as set out in Opinion No. 658, between September 20, 1975, and November 28, 1975, together with interest thereon at the rate of 9 percent per annum and; disburse the refunds to Southern Union Gathering Company and; file a copy of a release from the purchaser with respect to such refunds, all subject to the approval of the Commission.

(C) On or before August 1, 1977, Southern Union Gathering Company shall file with the Commission three copies of a plan regarding the disposition of the refunds received.

By the Commission.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.77-7924 Filed 3-16-77;8:45 am]

[Docket No. CP70-196]

**DISTRIGAS CORP.**  
**Revised Tariff Sheets**

MARCH 10, 1977.

Take notice that on March 2, 1977, Distrigas Corporation tendered for filing Fourth Revised Sheet No. 2 to its FPC Gas Tariff, Original Volume No. 1. DISTRIGAS states that sheet reflects rates for the contract year 1977-1978 for its sale of imported liquefied natural gas to DISTRIGAS of Massachusetts Corporation.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with § 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 29, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.77-7917 Filed 3-16-77;8:45 am]

[Docket No. RP72-134 (PGA77-5)]

**EASTERN SHORE NATURAL GAS CO.**  
**Purchased Gas Cost Adjustment to Rates and Charges**

MARCH 10, 1977.

Take notice that Eastern Shore Natural Gas Company (Eastern Shore) on March 3, 1977, tendered for filing Thirty-Ninth Revised Sheet No. 3A Superseding Thirty-Eighth Revised Sheet No. 3A and Thirty-Ninth Revised PGA-1 to its



FPC Gas Tariff, Original Volume No. 1. These revised tariff sheets, to be effective February 1, 1977, will increase the commodity or delivery charges of Eastern Shore's Rate Schedules CD-1, CD-E, G-1, E-1, I-1, GSS-1, PS-1, and LGA. These increases reflect corresponding increases by Transcontinental Gas Pipe Line Corporation (Transco), Eastern Shore's sole supplier, in its July 30, 1976, filing in Docket No. RP76-136 of rates to be effective February 1, 1977.

Pursuant to § 154.51 of the Regulations under the Natural Gas Act, Eastern Shore respectfully requests waiver of the notice requirements of § 154.22 of those Regulations and of § 20.2 of the General Terms and Conditions of its Tariff, to the extent necessary to permit the tariff sheets submitted to become effective as of February 1, 1977, to coincide with the effective date of Transco's rate changes. In support thereof, Eastern Shore states that Transco's filing of revised tariff sheets to be effective February 1, 1977, included a change in billing from a volumetric basis expressed in Mcfs to an energy basis expressed in dekatherms; Eastern Shore, therefore, required additional time to calculate its proposed rates.

Copies of the filing have been mailed to each of the Company's jurisdictional customers and to interested State Commissions.

Any persons desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C., 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (10 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 25, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 77-7916 Filed 3-16-77; 8:45 am]

[Docket No. CP73-69]

#### GREAT LAKES GAS TRANSMISSION CO.

##### Petition To Amend

MARCH 14, 1977.

Take notice that on December 20, 1976, Great Lakes Gas Transmission Company (Petitioner), 2100 Buhl Building, Detroit, Michigan 48226, filed in Docket No. CP73-69 a petition to amend the Commission's order issued pursuant to Section 7(c) of the Natural Gas Act on December 30, 1973 (48 FPC 1356), in the instant docket so as to authorize the continued exchange of natural gas with Northern Natural Gas Company (Northern) and Michigan Wisconsin Pipe Line Company (Michigan Wisconsin) on a

best-efforts basis during the summer period, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that pursuant to a gas exchange agreement dated July 15, 1972, with Northern and Michigan Wisconsin, it agreed to exchange not less than 25,000 Mcf per day of natural gas between its existing points of interconnection on its pipeline system with Northern and Michigan Wisconsin.

Petitioner further states that such agreement was amended on February 27, 1976. Pursuant to this amendment, Petitioner proposes to make deliveries to Northern on a best-efforts basis during the summer period, April 1 through October 31 of each year. It is stated that the obligation of a minimum of 25,000 Mcf per day during the winter period, November 1 through March 31 of each year, would continue to be delivered.

Petitioner asserts that during the summer period, it would deliver to Northern such daily volumes of gas as Petitioner may have available for exchange and Michigan Wisconsin or Petitioner may be able to receive up to the ability of Northern to receive, transport and deliver.

It is stated that such amendment affords greater operational flexibility to the parties to exchange gas in the summer period.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before April 5, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 77-7929 Filed 3-16-77; 8:45 am]

[Docket No. CP77-274]

#### MICHIGAN CONSOLIDATED GAS CO.— INTERSTATE STORAGE DIVISION

##### Application

MARCH 10, 1977.

Take notice that on March 3, 1977, Michigan Consolidated Gas Company—Interstate Storage Division (Applicant),

<sup>1</sup> The application was initially tendered for filing on December 20, 1976, however, the fee required by Section 159.1 of the Regulations under the Natural Gas Act (18 CFR 159.1) was not paid until March 7, 1977; thus, filing was not completed until the latter date.

One Woodward Avenue, Detroit, Michigan 48226, filed in Docket No. CP77-274 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the storage of natural gas for Panhandle Eastern Pipe Line Company (Panhandle), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Pursuant to two storage agreements between Applicant and Panhandle, Applicant proposes to render gas storage service for Panhandle for a period of seven years (1977-84), or if Panhandle so elects, for a period of fourteen years (1977-91). It is stated that Panhandle would deliver up to 11,000,000 Mcf of gas to Applicant for storage during the 1977 and ensuing Summer Periods (March 1 through October 31), consisting of up to 6,000,000 Mcf for 100-Day service and up to 5,000,000 Mcf for Off-Peak service. Applicant further states that Panhandle would provide a volume of gas for compressor fuel equivalent to one percent of such deliveries.

It is asserted that during the 1977-78 and ensuing Winter Periods (November 1 through March 31), Applicant would redeliver equivalent volumes of gas to Panhandle; Panhandle may, however, elect to defer redelivery from one winter period to the next of all or any part of the volumes stored. It is further asserted that to the extent that these deferred volumes exceed 1,200,000 Mcf under the 100-day service, or 1,000,000 Mcf under the off-peak service, Panhandle would furnish two percent of such excess as compressor fuel to permit cycling of such excess gas to maintain storage capacity.

It is stated that all deliveries of gas by Panhandle to Applicant would be made at Applicant's River Rouge Station in Melvindale, Michigan, or other mutually agreeable delivery points, and redeliveries by Applicant would be made to Southeastern Michigan Gas Company (Southeastern), for the account of Panhandle, at existing points of interconnection between the facilities of Applicant and Southeastern. It is further stated that if the volumes to be redelivered on any day are in excess of that which Southeastern can accommodate, then such excess would be redelivered by Applicant causing its supplier, Michigan Wisconsin Pipe Line Company (Michigan Wisconsin) to deliver such excess volumes to Panhandle through a new Michigan Wisconsin-Panhandle interconnection near Defiance, Ohio, and in the event the volumes to be redelivered on any day are in excess of those which the new interconnection can accommodate, then the excess would be redelivered at such other points as may be mutually agreed upon by the parties.

Applicant states that Panhandle may elect each year through 1984 to shift all or any part of its short-term (1977-84) storage service to long-term (1977-91) storage service. Applicant further states that it would charge Panhandle the following annual rates for these storage services:



	Short-term, 1,000 ft <sup>3</sup>	Long term, 1,000 ft <sup>3</sup>
100-d service.....	\$0.5523	\$0.4882
Offpeak service.....	.4640	.4097

Any person desiring to be heard or to make any protest with reference to said application should on or before April 4, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMS,  
Secretary.

[FR Doc. 77-7915 Filed 3-16-77; 8:45 am]

[Docket No. RP74-100]

#### NATIONAL FUEL GAS SUPPLY CORP.

##### Order Granting Petition for Approval of Rates and Denying Motion for Severance

MARCH 14, 1977.

On September 10, 1976, National Fuel Gas Supply Corporation (National Fuel) filed in the above-referenced proceeding a petition requesting the Commission to approve its rates as filed. For the reasons set forth below the motion shall be granted.

National Fuel's proposed rates in this docket were submitted for filing on June 28, 1974. The stated purpose of the filing was to give effect to the realigned status

of the principal operating subsidiaries<sup>1</sup> of National Fuel Gas Company which was the subject of proceedings in Docket No. CP73-294 (51 FPC 1507), and which became effective as of July 1, 1974. The rate filing in the captioned docket, RP74-100, was made prior to the effective date of the realignment and was based on estimated costs and sales volumes for the 12 months ending February 28, 1974, with adjustments for changes known to occur through November 30, 1974. As a result, the filing was made without actual post-realignment experience.

The proposed rates were predicated upon a jurisdictional cost of service of \$174.4 million including a 9.25 percent rate of return. The proposed effective date was August 12, 1974. On August 9, 1974, the Commission suspended the proposed rates for five months and initiated a hearing to determine their justness and reasonableness. By order issued October 31, 1974, the Commission granted National Fuel's motion to place interim rates, lower than the suspended rates, into effect during the remainder of the suspension period. The originally filed rates became effective on January 12, 1975, with superseding rates becoming effective, following suspension in Docket No. RP76-4, on March 1, 1976. The rates in Docket No. RP74-100 were therefore in effect subject to refund during the locked in period November 1, 1974, through February 29, 1976.

Hearings in Docket No. RP74-100 commenced on May 6, 1975, after which informal discussions were held resulting in an agreement by the parties on all issues except rate of return. Hearings were held on this issue following which the record, including a settlement agreement, was certified by the Presiding Judge to the Commission for its consideration and disposition. However, by order issued on July 8, 1975, the Commission remanded the proceeding to the Presiding Administrative Law Judge with instructions that he issue an initial decision on the issue of rate of return. The initial decision was issued on March 15, 1976. In response to various motions, the time for filing of briefs on exceptions was extended on several occasions. Finally, in response to a motion filed by National Fuel on August 20, 1976, the Commission on September 2, 1976, deferred the filing of briefs on exceptions and replies thereto until a final settlement agreement was prepared and the instant petition and documents in support thereof could be filed for review and decision made by the Commission thereon.

On September 10, 1976, National Fuel filed the subject petition requesting the Commission to approve the rates herein as filed, to dismiss further proceedings, and to terminate the instant docket. Public notice of the petition was issued on October 18, 1976, providing for comments to be filed on or before November 12, 1976. Comments were filed by the Commission staff stating that it does not oppose the granting of the petition.

<sup>1</sup> United Natural Gas Company, Pennsylvania Gas Company, and Iroquois Gas Corporation.

In support of its request for approval of the rates as filed herein, National Fuel submitted cost of service and related studies as appendices to its petition. Based on per book costs and revenues for the twelve months ended October 31, 1975, National Fuel realized a 6.24 percent return on rate base and a 5.42 percent return on common equity. For the twelve months ended February 29, 1976, National Fuel realized a 5.03 percent return on rate base and a 3.19 percent return on common equity.

The earnings experienced by National Fuel under its rates as filed in Docket No. RP74-100 are plainly not excessive and the rates should therefore be approved without adjustment. Accordingly, National Fuel's petition shall be granted.

By motion filed on June 21, 1976, the staff requested that possible curtailment issues arising under section 16 of the general terms and conditions of National Fuel's proposed tariff be severed from Docket No. RP74-100 and set for separate hearing. On July 12, 1976, National Fuel answered in opposition to the staff's motion stating that there was no need for a separate curtailment hearing because the proposed tariff curtailment procedures conformed fully to the applicable guidelines set forth in section 2.78 of the Commission's General Policy and Interpretations. Upon review of the record and the facts and arguments presented, the Commission finds that good cause has not been shown for the requested severance and initiation of separate proceedings, and the staff's motion will accordingly be denied.

*The Commission finds:* Good cause exists to grant National Fuel's petition for approval of rates as filed, dismissal of further proceedings, and termination of the instant docket. Good cause does not exist to grant staff's motion for severance.

*The Commission orders:* (A) The petition filed herein by National Fuel on September 10, 1976, is granted. National Fuel's rates are approved as filed and applicable during the period November 1, 1974, through February 29, 1976. National Fuel's refund obligation and all further proceedings in this docket are terminated.

(B) Staff's motion filed June 21, 1976, is denied.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMS,  
Secretary.

[FR Doc. 77-7927 Filed 3-16-77; 8:45 am]

[Docket No. RP71-107 (PGA76-1)]

#### NORTHERN NATURAL GAS CO.

##### Withdrawal and Establishment of Procedural Dates

MARCH 10, 1977.

On February 14, 1977, Staff Counsel filed a motion to withdraw its motion to compel production of data, filed on May 7, 1976. The motion also requests that



the Commission establish dates for the submittal of initial and reply comments concerning the reasonableness of the emergency and small producer purchases at issue. By notice issued May 21, 1976, the dates for filing comments were extended to 45 days after disposition of the May 7, 1976 motion. Northern Natural Gas Company filed a letter stating that it does not oppose Staff's motion, but suggested the establishment of later comment dates to which Staff does not object.

Upon consideration, notice is hereby given that the following procedural dates are established:

Initial comments, March 18, 1977.  
Reply comments, April 18, 1977.

Pursuant to § 1.11(d) of the Commission's Rules, notice is hereby given that withdrawal of the above-mentioned motion shall become effective on March 16, 1977.

KENNETH F. PLUMS,  
Secretary.

[FR Doc. 77-7918 Filed 3-16-77; 8:45 am]

[Docket No. CP74-158]

**NORTHWEST PIPELINE CORP.**  
Petition To Amend

MARCH 11, 1977.

Take notice that on March 1, 1977, Northwest Pipeline Corporation (Petitioner), P.O. Box 1526, Salt Lake City, Utah 84110, filed in Docket No. CP74-158 a petition to amend the Commission's order of May 28, 1974, issued in Docket No. CP74-82, et al., pursuant to Section 7(c) of the Natural Gas Act to authorize Petitioner to continue the exchange of natural gas with Utah Gas Service Company (Utah Gas) until May 1, 1978, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that it was granted certificate authorization in Docket No. CP74-158, expiring May 1, 1977, to exchange natural gas with Utah Gas by the order of May 28, 1974. The exchange has been carried out in accordance with the terms of an exchange agreement, dated September 19, 1973, between Petitioner and Utah Gas. The agreement provides that certain volumes of natural gas purchased by Utah Gas from production located in Uintah and Duchesne Counties, Utah, be delivered to Petitioner at a point of interconnection between the two systems near Vernal, Utah, for redelivery by Petitioner to Utah Gas at existing delivery points in San Juan and Grand Counties, Utah.

Petitioner seeks authorization to continue the exchange of natural gas for an additional year, to May 1, 1978, pursuant to an amendment, dated January 24, 1977, to the September 19, 1973, gas exchange agreement. Petitioner states that no new facilities are required to carry out the proposal. It is stated that the exchange of gas can continue for the expanded period because Utah Gas anticipates having surplus gas available after May 1, 1977.

Any person desiring to be heard or to make any protest with reference to said petition should on or before April 1, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMS,  
Secretary.

[FR Doc. 77-7922 Filed 3-16-77; 8:45 am]

[Docket No. C176-806]

**PENNZOIL OFFSHORE GAS OPERATORS, INC.**

Order Setting Proceeding for Hearing and Granting Interventions

MARCH 11, 1977.

On September 29, 1976, noticed October 27, 1975 (41 FR 48411, November 3, 1976), Pennzoil Offshore Gas Operators, Inc. (POGO) filed an application in the captioned docket for a certificate pursuant to section 7 of the Natural Gas Act (Act) authorizing the sale of gas from Offshore Louisiana as described. POGO requests authorization to sell its gas interests in Vermillion Block No. 228 and West Cameron Block No. 586 both of which are developed, as well as its interests in two undeveloped blocks—Eugene Island No. 256 and West Cameron No. 572—to United Gas Pipeline Company (United) and Southern Natural Gas Company (Southern) under the terms of 8 separate gas sales contracts all of which are dated September 1, 1976. All four blocks are in the Federal Domain Offshore Louisiana. An untimely petition to intervene was filed on December 2, 1976, by Southern Natural Gas Pipeline Company. Timely interventions were filed by the Public Service Commission of the State of New York on November 15, 1976; and by United Gas Pipe Line Company on November 16, 1976.

POGO requests an initial base rate of \$2.37/Mcf at 15.025 psia for its proposed sales to United and an initial base rate of \$2.05/Mcf for its proposed sales to Southern. Since the applicable Commission just and reasonable rate for POGO's gas is \$1.44/Mcf at 14.73 psia, pursuant to Opinion Nos. 770 and 770-A, POGO in its application requested special relief under the provisions of § 2.56a(g) of the Commission's General Policy and Interpretations (18 CFR 2.56a(g)). POGO alleges in its application that its cost of producing all of the gas attributable to

its interests in the four Blocks is approximately \$2.24/Mcf, which is substantially in excess of the nationwide rate. It estimates that its proportionate gas reserves in these four Blocks total about 151.6 Bcf. The unit cost, POGO states, is higher for gas sold to United than gas sold to Southern because United will acquire a larger percentage of the gas from the 2 undeveloped Blocks which are forecast to have higher costs than the 2 developed Blocks.

Additionally, POGO requests partial waiver of § 154.93 of the Commission's regulations (18 CFR 154.93) to permit its contracts with United and Southern to continue to contain price redetermination provisions which otherwise are subject to rejection by the Commission pursuant to § 154.93(c). The provisions at issue allow for automatic annual price recalculation of the project cost for the gas being sold to each pipeline according to the formula used to calculate the initial price. Essentially, the provisions allow for a yearly adjustment in price in accordance with a predetermined formula (the same one used to compute the initial price) depending upon changes in costs and the redetermination of reserves.

Three of the four Blocks involved in this proceeding were leased by POGO as a result of its being high bidder for them in the December 15, 1970 Outer Continental Shelf (OCS) Lease Sale. These were West Cameron 572 and Eugene Island 256, both of which are still undeveloped and Vermillion 228 which is developed. POGO acquired West Cameron 586 at the June, 1973 OCS Lease Sale. Out of the total of 9 Blocks that POGO leased as a result of the 1970 sale, 2 Blocks, West Cameron 587 and East Cameron 334 are certificated at the applicable national rate; two, namely East Cameron 270 and Eugene Island 330, originally certificated in 1972 at the applicable area rate (26¢/Mcf), were subsequently authorized in 1973 rates of 35¢/Mcf under the Commission's Optional Procedure (18 CFR 2.75); 2 others, West Cameron 548 and East Cameron 199, POGO has not yet filed certificate applications for; and the remaining 3, West Cameron 572, Eugene Island 256, and Vermillion 228 are the subject of this order. POGO has not included into one project all of the leases it acquired at the December, 1970 Lease Sale. There is a question as to whether the instant application for a certificate is based on one or more projects. POGO does not allege in its Application for a Certificate of Public Convenience and Necessity and Petition for Special Relief that the four Blocks have either geographical or geological coherence, nor that it acquired all four Blocks at a single lease sale, nor that these four Blocks were all the Blocks it acquired at a single Outer Continental Shelf Lease Sale. In point of fact the four Blocks are spread over a distance of approximately 123 linear miles. Accordingly, the Commission Staff is directed to examine those Blocks POGO purchased at the Outer Continental Shelf Lease Sales in 1970, 1972 and 1973 in which ap-



applicant's working interest was greater than 10 percent. And the Commission directs POGO to submit evidence of gas supply and cost data for each of the 4 instant Blocks individually. POGO also may submit evidence supporting its view that all 4 Blocks should be treated as a single project. Applicant shall fully explain why these 4 Blocks were included in the instant Application and other, as yet uncertificated Blocks that they acquired in the 1970, 1972 and 1973 OCS Lease Sales were not so included.

On December 15, 1976, POGO filed a motion with the Commission to expedite the referenced proceedings, by omitting the intermediate decision in accordance with § 1.32(b) of the Commission's Rules of Practice and Procedure (18 CFR 1.32(b)). In this motion, POGO stated that it faced the possibility that the leases on Eugene Island 256 and West Cameron 572 "will be cancelled by operation of the non-development clause in its (POGO's) leases from the Federal Government" on January 31, 1977, unless extended by the U.S.G.S. (Motion at 1). POGO went on to add that in "the interest of judicial and administrative economy and the timely development and sale of the gas involved herein, POGO respectfully requests that the FPC clarify whether POGO could get the rate relief it has requested. \* \* \* (Id., at 3) By a letter filed on December 20, 1976, POGO informed the Commission that U.S.G.S. had given POGO a one year extension for development of the two aforementioned leases.

In its December 15, 1976 motion POGO asks for clarification of three issues, namely:

First, is special relief available for the sale of undedicated gas from leases which have not yet been developed and from both prospective and existing wells?

Second, assuming arguendo that special relief is available to POGO on the facts in this proceeding, POGO inquires whether it can recover through special relief its total costs, including recoupage of dryhole costs, and a full rate of return?

Third, does the evidentiary standard set forth in *McDonald v. FPC*, 505 F.2d 355 (CA-DC) (1974), cert. denied 421 U.S. 912 (1975), apply only where a producer is attempting to collect a higher rate on both dedicated flowing gas wells and prospective wells?

The above issues should not be decided prematurely prior to the hearing herein. To the extent such issues are relevant in this case, they should be decided as they arise.

An examination of the Application for a Certificate and Petition for Special Relief and the data submitted in support thereof raises a question as to whether there is sufficient basis for the Commission to find the proposed rate to be just and reasonable. Therefore, we deem it necessary that a hearing be held in this matter to determine all of the issues raised.

No good cause exists at this time for the waiver of the intermediate decision procedure. Our action is without preju-

dice to any resubmittal of the request at an appropriate time.

The Commission finds: (1) It is necessary and in the public interest that the above-docketed proceeding be set for hearing.

(2) It is in the public interest that the interventions of Southern Natural Gas Pipeline Company, United Gas Pipeline Company and the Public Service Commission of the State of New York be granted.

The Commission orders: (A) Pursuant to the authority of the Natural Gas Act, particularly Sections 4, 5, 7, 14, and 16 thereof, the Commission's Rules of Practice and Procedure, and the Regulations under the Natural Gas Act (18 CFR Chapter I), a public hearing in Docket No. C176-806 shall be held in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426 for the purpose of hearing and disposition of the issues in this proceeding.

(B) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (see Delegation of Authority, 18 CFR § 3.5(d)) shall preside at the hearing in this proceeding, with authority to establish and change all procedural dates, and to rule on all motions (with the exception of petitions to intervene, motions to consolidate and sever, and motions to dismiss, as provided for in the Rules of Practice and Procedure.

(C) POGO and any intervenor supporting the application shall file their direct testimony and evidence on or before April 4, 1977. All testimony and evidence shall be served upon the Presiding Administrative Law Judge, the Commission Staff, and all parties to this proceeding. POGO shall submit gas supply and cost data for each Block individually. POGO may submit evidence supporting its view that the Blocks should be treated as a single project. Applicant shall submit evidence as to why these Blocks were included in this application and others that they acquired in the 1970, 1972 and 1973 Lease Sales were excluded. Applicant shall file not only opinion evidence on the costs and gas supply issues but also sufficient underlying data so that the reasonableness and credibility of the opinion evidence can be weighed by application of traditional evidentiary standards. The aforementioned list of evidence is not intended to foreclose data, testimony, or other evidence not specifically enumerated from being brought within this proceeding. All relevant and material evidence shall be admissible.

(D) The Commission staff shall examine and copy where appropriate the records, accounts and memoranda of the applicant pertaining to its blocks purchased in the Outer Continental Shelf Lease sales held in 1970, 1972 and 1973 in which applicant held a working interest greater than 10 percent.

(E) The Presiding Judge shall preside at a pre-hearing conference to be held on April 29, 1977 at 10:00 A.M. E.S.T. in

a hearing room at the address noted in Ordering Paragraph (A).

(F) The applicant's request for waiver of the intermediate decision pursuant to Section 1.32 of the Commission's Rules of Practice and Procedure (18 CFR 1.32) is denied without prejudice.

(G) The Public Service Commission of the State of New York, United Gas Pipe Line Company and Southern Natural Gas Company are hereby permitted to intervene in this proceeding subject to the rules and regulations of the Commission; *Provided, however*, That the participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in said petitions for leave to intervene; and *Provided, further*, That the admission of such interests shall not be construed as recognition by the Commission that such intervenor might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(H) Section 154.93 of the Commission's General Policy and Interpretations (18 CFR 154.93) is hereby waived only to the extent necessary to permit the filings of the Applicant's contracts with United Gas Pipeline Company and Southern Natural Gas Pipeline Company which contain impermissible pricing provisions. The granting of such waiver, however, does not constitute approval of such provisions and any rate increase based on said pricing provisions to the extent it is inconsistent with the provisions of Section 154.93 of the Commission's Regulations (18 CFR 154.93) is subject to rejection.

By the Commission.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 77-7923 Filed 3-16-77; 8:45 am]

[Docket No. RP77-11]

**SOUTHWEST GAS CORP.**

**Extension of Procedural Dates**

MARCH 10, 1977.

On February 18, 1977, Staff Counsel filed a motion to extend the date, fixed by Order issued December 8, 1976, for service of Staff Top Sheets in the above-designated proceedings.

Upon consideration, notice is hereby given that the date for service of Top Sheets is extended to and including April 8, 1977, and the date for convening the settlement conference is extended to and including April 20, 1977.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 77-7920 Filed 3-16-77; 8:45 am]

[Docket No. G-4715]

**TENNESSEE GAS PIPELINE CO.**

**Tariff Filings**

MARCH 14, 1977.

Take notice that on March 4, 1977, Tennessee Gas Pipeline Company, a Di-



vision of Tenneco Inc. (Tennessee) tendered for filing tariff sheets to Sixth Revised Volume No. 2 of its FPC Gas Tariff, consisting of the following:

Second Revised Sheet Nos. 350-360.  
First Revised Sheet No. 260A.  
Original Sheet Nos. 360B-360L.

Tennessee states that these tariff sheets constitute revisions to its Rate Schedule X-2, to be effective January 14, 1977, pursuant to the Commission's letter order in Docket No. G-4715, issued January 14, 1977.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 4, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene; provided, however, that any person who has previously filed a petition to intervene in this proceeding is not required to file a further petition. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.77-7928 Filed 3-16-77; 8:45 am]

[Docket Nos. RP71-11 (PGA77-3b)]

**TENNESSEE NATURAL GAS LINES, INC.**  
Proposed Substitution of PGA Tariff Sheets

MARCH 14, 1977.

Take notice that, on March 4, 1977, Tennessee Natural Gas Lines, Inc. ("TNGL") tendered for filing the following sheets to its FPC Gas Tariff, First Revised Volume No. 1:

Second Substitute Twentieth Revised Sheet No. PGA-1, and  
Substitute Fifteenth Revised Sheet No. PGA-2.

TNGL requests that such sheets be substituted for the following tariff sheets allowed to become effective on February 1, 1977 by Commission letter order dated February 3, 1977:

Substitute Twentieth Revised Sheet No. PGA-1, and  
Fifteenth Revised Sheet No. PGA-2

and for waiver of any Commission regulations necessary in order to permit the substituted sheets to be effective as of February 1, 1977.

TNGL states that the reason for its instant filing is that, subsequent to the sheets to be replaced becoming effective, Tennessee Gas Pipeline Company ("TGP"), its sole supplier, on or about February 25, 1977 filed revised tariff sheets to reduce the rates to TNGL, effective back to February 1, 1977, below the rates used by TNGL in computing its February 1, 1977 PGA rate change.

TNGL states that, as of yet, no billings have been made pursuant to the tariff sheets allowed to become effective by the Commission's February 3, 1977 order. TNGL further states its belief that, since a reduction in rates is proposed, the Commission will allow the proposed substitution. TNGL states that, in order to prevent its customer from paying the higher rates for February (billing for which is imminent) and in reliance upon its belief that the Commission will permit the proposed substitution, it intends to bill for the month of February at the lower rates set forth on the proposed substitution tariff sheets. TNGL requests immediate notification if there is any question as to the correctness of its proposal or belief.

Copies of the filing were served upon TNGL's jurisdictional customer and the interested state regulatory commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 25, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.77-7925 Filed 3-16-77; 8:45 am]

[Docket No. RP74-41 (PGA77-5)]

**TEXAS EASTERN TRANSMISSION CORP.**  
Proposed Changes

MARCH 10, 1977.

Take notice that Texas Eastern Transmission Corporation on March 3, 1977, tendered for filing proposed changes in its FPC Gas Tariff, Fourth Revised Volume No. 1, the following sheets:

Thirtieth Revised Sheet No. 14.  
Thirtieth Revised Sheet No. 14A.  
Thirtieth Revised Sheet No. 14B.  
Thirtieth Revised Sheet No. 14C.  
Thirtieth Revised Sheet No. 14D.

These sheets are issued pursuant to the purchased gas cost adjustment provision contained in Section 23 of the General Terms and Conditions of Texas Eastern's FPC Gas Tariff, Fourth Revised Volume No. 1. The change in Texas Eastern rates proposed by this filing reflects reductions in the cost of gas purchased from two of Texas Eastern's pipeline suppliers, United Gas Pipe Line Company and Southern Natural Gas Company. The proposed effective date of the above tariff sheets is April 1, 1977.

Copies of the filing were served upon the company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition

to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Section 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 25, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.77-7921 Filed 3-16-77; 8:45 am]

[Docket No. CI77-306]

**TRANSCO EXPLORATION CO.**

Application

MARCH 11, 1977.

Take notice that on February 28, 1977, Transco Exploration Company (TXC), P.O. Box 1396, Houston, Texas, 77001, filed in Docket No. CW77-306 an application pursuant to section 7(c) of the Natural Gas Act for a limited term certificate of public convenience and necessity, with pregranted abandonment, authorizing the sale for resale of natural gas in interstate commerce to Transcontinental Gas Pipe Line Corporation (TGPL) from Myette Point Field, St. Mary Parish, Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

TXC and TGPL have entered into a contract dated December 21, 1976, covering the sale and purchase of certain gas from the Myette Point Field, St. Mary Parish, Louisiana. Pursuant to such agreement, TXC proposes to sell natural gas to TGPL from the date of initial delivery thereunder, at an initial rate of \$1.543939 per Mcf at 15.025 psia, to be delivered at a mutually agreeable point in the field into TGPL's facilities.<sup>1</sup>

Under the terms of the Agreement by which TXC acquired its interest in the Myette Point Field, Union Oil Company of California retained an overriding royalty interest convertible at Union's option after payout from the well to a 25 percent working interest. Also under the terms of said Agreement, TXC is prohibited from taking any action which would in any way interfere with the ability of Union to market its working interest share of production in the event it elects to convert its override. TXC claims that a contractual commitment by TXC to TGPL subject to Union's right to convert would have the effect of indelibly dedicating the 25 percent of  $\frac{1}{4}$ ths interest to which Union has a reversionary right in contravention of TXC's contractual

<sup>1</sup>This application covers 25 percent of TXC's interest in the reservoirs committed. The other 75 percent of TXC's interest is covered by a traditional long term contract with TGPL which is not covered by the subject application.



obligation, absent the pregranted abandonment herein requested. Accordingly, TXC claims that it is able to commit the reserves attributable to 25 percent of TXC's interest prior to payout only on a limited term basis, terminable when, and if, Union exercises its right to convert to a working interest position. Since Union's option matures after payout, TXC states that it is not possible to specify a particular date on which the abandonment would take place.

TXC seeks a limited term certificate for a term from the date of initial delivery of gas to TGPL to the date that Union's overriding royalty is converted to a working interest, with pregranted abandonment of the limited term sale to TGPL upon the conclusion of such term.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 10 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before March 21, 1977, file with the Federal Power Commission, Washington, D.C., 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for TXC to appear or be represented at the hearing.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 77-7948 Filed 3-16-77; 8:45 am]

[Docket No. RP75-24]

**UNITED GAS PIPE LINE CO. (MONROE UTILITIES COMMISSION)**

**Order Approving Settlement Agreement and Terminating Proceedings**

MARCH 14, 1977.

On December 28, 1976, the Utilities Commission of the City of Monroe,

Louisiana (Monroe) filed a motion for approval of a proposed settlement agreement which envisions a complete termination of this proceeding and of the pending judicial proceeding before the United States Court of Appeals for review of the orders issued herein on July 20 and September 17, 1976.

On February 11, 1977, the United States Court of Appeals for the Fifth Circuit remanded to the Commission the pending appeal of the Commission's previous orders. City Monroe, Louisiana and Utilities Commission of the City of Monroe, Louisiana v. FPC, Docket No. 76-3707. The court also granted a motion for suspension of briefing schedule at the request of the appellant and respondent to permit consideration of the Commission of the proposed settlement agreement.

On July 20, 1976, the Commission issued an order in this proceeding which fixed a repayment obligation, specified a repayment schedule, and imposed reporting requirements on Monroe and United Gas Pipe Line Company (United). This proceeding was initiated by an order to Show Cause issued October 23, 1974, directing United to show why it should continue to make available emergency gas supplies to Monroe and whether any payback of such gas supplies is required. Delivery of emergency volumes were made pursuant to exemption provisions of Opinion No. 647, to avoid the shedding of electrical load resulted from reduction of the lowest priority of volumes of gas consumed as boiler fuel in the generation of electricity. The order of July 20, 1976, terminated Monroe's emergency exemption from curtailment as of November 1, 1975; directed that Monroe pay back in full all the gas taken under the emergency exemption over a three-year period, amounting to 4,020,797 Mcf; and, directed United to file reports on the payback progress by Monroe. By order issued September 17, 1976, the Commission denied Monroe's application for rehearing.

By letter dated December 10, 1976, Monroe notified all parties in the proceeding of an informal conference to be held on December 17, 1976, with the Commission staff and intervenors in an attempt to negotiate a settlement of these proceedings. Parties to the proceeding were represented at the session held at the offices of the Federal Power Commission on December 17, 1976. Pursuant to discussions at that conference, Monroe on December 28, 1976 filed with the Commission the matter now pending. Approval of the settlement agreement submitted by Monroe, inter alia, recognizes that Monroe has a payback obligation as stated in the Commission's orders, that the implementation of such payback would be made in accordance with the provisions of the agreement, consisting principally of a binding obligation on Monroe commencing on April 1, 1977, whereby Monroe will be prohibited from taking any part of its power plant allocation until such time as the entire payback obligation is fulfilled. This obligation is complete and separate

from the right of Monroe to take its city-gate allocations (no power plant gas). The settlement agreement provides that Monroe will use due diligence in conducting its operation without attempting to request extraordinary relief and that Monroe does not at this time intend to request such relief. Monroe, however, does not waive any right to request extraordinary relief in the future if justified. The approval of the settlement agreement would also terminate the pending judicial review. Parties to the Commission's proceeding, including the Commission's staff, have agreed to the settlement and termination of the docket and the review proceeding.

On January 6, 1977, a notice of the settlement agreement was issued by the Secretary permitting the filing of comments on or before January 21, 1977. Comments in support of the settlement proposal were filed on January 21, 1977, by the State of Louisiana and by Monroe. United filed its comments on January 24, 1977, in support of the proposed settlement. United stated that the central feature of the proposed settlement is its recognition of the fact that Monroe's payback obligation should be satisfied out of power plant allocation and need not be met by means of cutback in Monroe's Category I allocation under United's curtailment plan. Monroe has no industrial requirements other than the power plant load, under United's curtailment plan. United stated that the proposed settlement clarified Monroe's obligation consistent with the current needs of the City. Texas Eastern filed its comments on January 21, 1977, stating that it neither supported nor opposes the settlement agreement. Texas Eastern stated that Monroe recognizes the requirement that it fully repay the emergency volumes that it has received, which in its view is necessary because of the requirement that Texas Eastern's customers repay volumes taken under the extraordinary relief procedures, referring to Docket Nos. RP74-39-3 and RP74-39-8 (Carnegie Natural Gas Company and North Alabama Gas District, respectively). On January 26, 1977, Monroe submitted a reply to the comments of Texas Eastern in which it states that the proposed settlement is in line with the principles stated in the above two cases. Monroe states that the proposed settlement provides for a complete cessation of all power plant allocations until the payback obligation has been fully liquidated. Only the highest priority allocation by United to Monroe will continue, and Monroe states that this is consistent with the Commission's decision in North Alabama and Carnegie to provide the allocation necessary to meet the users' indispensable gas requirements. Monroe also states that the proposed settlement will require it to make full use of supplemental supplies to overcome the loss of power plant allocations. Monroe states that the power plant requirement which is being surrendered under the proposed settlement represents 61% of Monroe's total base period requirements although current deliveries are being curtailed.



Monroe's motion indicates that it has submitted to the staff updated information on Monroe's available intrastate gas supply, the alternate fuel use capacity of its electric generation facilities, the gas needs of the City, and the use of gas in the General Motors manufacturing facilities.<sup>1</sup> The staff reviewed all of this data together with the representations of the municipal officers of the City, its asserted financial difficulties due to the fuel crisis, and information on the difficulty of the City in meeting its municipal payroll due to the cost of fuel.

The Utilities Commission, which formerly contributed to the municipal treasury funds in lieu of taxes, stated that these cannot now be made because of the cost of purchasing fuel; that the City will be required to continue to exercise self-help measures of augmenting its fuel supply and encouraging and enforcing energy conservation; and the settlement agreement provides the City with incentive and flexibility to adopt continuing self-help measures to solve its own problems. The Commission staff, on review of all of these matters, concluded that the settlement proposal was in the public interest and agreed to the settlement. Based on all of these considerations, the Commission finds that the motion of Monroe should be granted and the settlement agreement accepted and approved.

*The Commission orders:* (A) The motion filed by the City of Monroe, Louisiana on December 28, 1976, is hereby granted and the proposal is accepted and approved in settlement of all pending issues in Docket No. RP75-24.

(B) The proceeding in Docket No. RP75-24 is hereby terminated.

(C) The Commission orders issued July 20, and September 17, 1976 remain in full force and effect, except to the extent permitted by the settlement proposal approved in paragraph (A) above.

(D) The motions of United Gas Pipe Line Company and the City of Monroe to file late comments regarding the proposed settlement are hereby granted.

By the Commission,

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 77-7926 Filed 3-16-77; 8:45 am]

[Docket No. RP73-134 (PGA77-4)]

**EASTERN SHORE NATURAL GAS CO.**

**Purchased Gas Cost Adjustment to Rates and Charges**

MARCH 10, 1977.

Take notice that Eastern Shore Natural Gas Company (Eastern Shore) on February 28, 1977, tendered for filing Fortieth Revised Sheet No. 3A superseding Thirty-Ninth Revised Sheet No. 3A and Fortieth Revised PGA-1 to its FPC Gas Tariff, Original Volume No. 1. These revised tariff sheets, to be effective

<sup>1</sup> Data submitted to the staff on December 9 and 13, 1976, which are hereby incorporated into the record in this proceeding. The gas supplied to GM is solely from local sources.

March 1, 1977, will increase the commodity or delivery charges of Eastern Shore's Rate Schedules CD-1, CD-E, G-1, E-1, I-1, and PS-1 by \$.042 per Mcf. These increases reflect corresponding increases by Transcontinental Gas Pipe Line Corporation (Transco), Eastern Shore's sole supplier, in its filing of January 28, 1977, in Docket No. RP73-3.

Pursuant to § 154.51 of the regulations under the Natural Gas Act, Eastern Shore respectfully requests waiver of the notice requirements of § 154.22 of those Regulations and of § 20.2 of the General Terms and Conditions of its Tariff, to the extent necessary to permit the tariff sheets submitted to become effective as of March 1, 1977, to coincide with the effective date of Transco's rate changes. In support thereof, Eastern Shore states that Transco's January 28, 1977, filing of revised tariff sheets prohibited it from preparing its computations and revised tariff sheets in time to comply with the applicable notice requirements.

Copies of the filing have been mailed to each of the Company's jurisdictional customers and to interested State Commissions.

Any persons desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (10 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 25, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 77-7825 Filed 3-16-77; 8:45 am]

[Docket Nos. CP77-269 and CP77-270]

**EL PASO LNG TERMINAL CO. AND EL PASO EASTERN CO.**

**Applications**

MARCH 10, 1977.

Take notice that on March 1, 1977, El Paso LNG Terminal Company (LNG Terminal), P.O. Box 1440, Houston, Texas 77001, filed in Docket No. CP77-269 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities to receive, store and vaporize liquefied natural gas (LNG) to be imported from Algeria by El Paso Eastern Company (El Paso Eastern) and on March 1, 1977, El Paso Eastern, P.O. Box 1440, Houston, Texas 77001, filed in Docket No. CP77-270 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas resulting from the regasifica-

tion of LNG to be imported by El Paso Eastern from Algeria. The proposals are more fully set forth in the applications which are on file with the Commission and open to public inspection.

On October 15, 1976, El Paso Eastern filed in Docket No. CP73-258 an amendment to its pending application in said docket pursuant to section 3 of the Natural Gas Act so as to authorize the importation into the United States from Algeria of an annual quantity of LNG containing 410,625,000 million Btu's for a twenty-year period after initial build-up to commence in 1983 and with first regular delivery in early 1984. This is equivalent to 1,000,000 Mcf of vaporous gas per day at 1,125 Btu's per cubic foot.<sup>1</sup>

LNG Terminal by its application in Docket No. CP77-269 proposes to construct and operate certain facilities known as the LaSalle Terminal to receive, store, and regasify LNG to be imported from Algeria by El Paso Eastern. It is stated that the LaSalle Terminal would be constructed in the vicinity of Matagorda Bay on the Texas Gulf Coast. It is stated that the LaSalle Terminal would have a design capacity to receive, store and vaporize an annual volume of LNG averaging the equivalent of approximately 1.048 million Mcf daily of natural gas at about 1,148 Btu's per cubic foot, with a maximum outlet capacity of 1.182 million Mcf. It is further stated that the facilities comprising the LaSalle Terminal would consist inter alia of a marine terminal on Matagorda Bay for berthing and unloading cryogenic tankers; above-ground storage for approximately 1,187,000 barrels (300,000 cubic meters) of LNG; facilities to pump and vaporize LNG; and facilities to deliver the resultant natural gas to El Paso Natural Gas Company (El Paso Natural) and to United LNG Company (United LNG). It is stated that the total cost of the proposed facilities is approximately \$456,941,000 which cost would be financed through long-term debt and common stock to be sold to El Paso LNG Company.

El Paso Eastern by its application in Docket No. CP77-270 requests authorization to sell to United LNG 35 percent of the natural gas resulting from vaporization at the LaSalle Terminal pursuant to an agreement dated October 11, 1976. It is stated that the estimated cost of the resultant natural gas to United LNG would be \$3.23 per million Btu during the first year of operation. El Paso Eastern states that it would concurrently file an amendment to its pending application in Docket No. CP73-259 so as to authorize the remaining 65 percent of the regasified LNG to El Paso Natural.<sup>2</sup> It is indicated that the gas would be transported to United LNG by El Paso Natural through

<sup>1</sup> Notice of El Paso Eastern's amendment to its pending application in Docket No. CP73-258 was published in the FEDERAL REGISTER on November 9, 1976 (41 FR 49529).

<sup>2</sup> El Paso Eastern filed an amendment to pending application in Docket No. CP73-259 on March 1, 1977, so as to authorize the sale of gas resulting from gasification at the LaSalle Terminal to El Paso Natural.



facilities proposed to be constructed by El Paso Natural in an amendment to its pending application in Docket No. CP73-260 filed on March 1, 1977.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 1, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMBS,  
Secretary.

[FR Doc. 77-7818 Filed 3-16-77; 8:45 am]

[Docket No. ER76-816]

#### GULF STATES UTILITIES CO.

#### Order Rejecting Supplement to Proposed Rate Increase

MARCH 9, 1977.

On February 7, 1977, Gulf States Utilities Company (Gulf States) tendered for filing a document entitled "Supplement to Application by Gulf States Utilities Company for Change in Rate Schedules". The rate schedules in question, denominated WSM (proposed rates to Gulf States' Municipal customers) and WSC (proposed rates to Gulf States' cooperative customers), were originally tendered on July 29, 1976. By order of August 31, 1976, in the above-captioned docket, the Commission accepted for filing the proposed increased rates, suspended their effectiveness until December 1, 1976 and September 2, 1976, respectively, and set the matter for hearing.

According to Gulf States, the purpose of the Supplement is to clarify Gulf States' position as to the interpretation of the minimum billing demand provisions contained in the wholesale contracts. Gulf States indicates that Section VII of the Rate Schedule WSM and Section VI of the Rate Schedule WSC provide for the determination of the minimum billing demand as "not less than 15 kilowatts nor less than 75% of the greatest maximum load \* \* \* established during any month hereunder."<sup>1</sup> Gulf States states that several wholesale customers have either refused to pay a portion of their bill or have made payment under protest based upon their interpretation of the term "hereunder" as pertaining only to maximum loads established during months since the respective rate schedules became effective.

According to Gulf States, such a limitation was not intended. Gulf States indicates that, in its billing under the now-effective rate schedules, it has been considering all prior service in determining maximum monthly demand for each customer. As a practical matter, however, Gulf States states that it has been unnecessary to consider service before January 1, 1976, since the greatest monthly demand for each customer served under Rate Schedules WSM and WSC has been experienced since that date. In its Supplement, Gulf States requests that the Commission issue an order "clarifying" the rate schedules accepted by order of August 31, 1976, in this docket in accordance with Gulf States' contentions or, in the alternative, treat the Supplement as an amendment to the proposed rate schedules.

On March 3, 1977, Intervenor, Cajun Electric Power Cooperative, Inc.; City of Caldwell, Texas; Houston County Electric Co-op, Inc.; Mid-South Electric Cooperative Association; Kirbyville Light and Power Company; and City of St. Martinville, Louisiana, filed a joint Protest and Motion to Strike.

The Commission has considered the subject submittal and does not agree with Gulf States' contention that it is a rate schedule filing and should be made a part of the applicable rate schedules. The subject submittal does not constitute a rate schedule filing pursuant to § 35.1(c) of the Commission's Regulations under the Federal Power Act (18 CFR 35.1(c)) since Gulf States' submittal does not propose to supersede, supplement, cancel, or otherwise change the provisions of the rate schedules affected. The submittal merely establishes Gulf States' position as to the interpretation of the billing demand provision.

The language in question was a part of the proposed rate schedules submitted by Gulf States in Docket No. ER76-816 whose use was suspended by Commission Order of August 31, 1976. Our review of the filing does not reveal any other written criteria for determining what period is intended to be used to determine the minimum billing demand.

<sup>1</sup> The language is slightly different in the two rate schedules.

Therefore, we find that the term "hereunder" refers to the periods under which the subject Rates WSC and WSM are effective, such periods beginning September 2, 1976 and December 1, 1976, respectively. The applicability of the billing demand language commences as of those dates, and cannot be applied to any period prior to those dates.

The Commission finds: Good cause exists to reject the subject submittal as a rate schedule filing pursuant to Section 35.1(c) of the Commission's Regulations.

The Commission orders: (A) Gulf States' Supplement to Application for Change in Rate Schedules is hereby rejected as a rate schedule filing pursuant to Section 35.1(c) of the Commission's Regulations under the Federal Power Act.

(B) Within 30 days from the date of this order, Gulf States shall refund any amounts collected in excess of the properly applied minimum billing demand charges, together with simple interest computed at 9% per annum.

(C) Within 15 days after refunds have been made, Gulf States shall file a refund report showing monthly billing determinants and revenues under the billed and properly applied rates; the monthly refund; and the monthly interest computation together with a summary of such information for the total refund period. A copy of such report shall also be furnished to all affected wholesale customers and to each State Commission within whose jurisdiction the wholesale customers distribute and sell electric energy at retail.

(D) This order is without prejudice to a timely filing by Gulf States, in a manner and form prescribed by the Commission's Regulations, of rate schedule supplements which would amend the present billing demand language to establish a different period for which the billing demand ratchet will apply.

(E) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMBS,  
Secretary.

[FR Doc. 77-7816 Filed 3-16-77; 8:45 am]

[Docket No. ER77-224]

#### INDIANAPOLIS POWER & LIGHT CO.

#### Changes in Rates and Charges

MARCH 10, 1977.

Take notice that Indianapolis Power & Light Company (Indianapolis Company) on March 2, 1977 tendered for filing Modification No. 3 dated as of March 1, 1977, to the Interconnection Agreement dated December 2, 1968, as amended, between Indianapolis Company and Southern Indiana Gas and Electric Company (Southern Indiana Company), designated Indianapolis Rate Schedule FPC No. 6.

Section 1 of Modification No. 3 provides for an increase in the Demand Charge for Short Term Power from \$0.45



to \$0.55 per kilowatt per week and from \$0.075 to \$0.095 per kilowatt per day for Short Term Power sold (purchased) for periods of less than one week.

Section 2 of such Modification adds a Limited Term Power (Firm) schedule enabling a party to reserve power for at least one month but not more than 12 months, subject to interruption or reduction to preserve the integrity of or prevent the instability on the supplying party's system, at a demand charge of \$3.00 per kilowatt per month with a \$0.10 per kilowatt per day reduction in the event of an interruption or reduction in the supply, and an energy charge of 110% of out-of-pocket costs.

Waiver of any requirements of § 35.13 of the Commission's regulations under the Federal Power Act not already complied with is requested. It is further requested that Modification No. 3 become effective thirty (30) days after filing.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 28, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.77-7817 Filed 3-16-77;8:45 am]

[Docket No. RI 77-38]

**MESA PETROLEUM CO.**  
Petition for Special Relief

MARCH 10, 1977.

Take notice that on February 22, 1977, Mesa Petroleum Company (Petitioner), P.O. Box 2009, Amarillo, Texas 79105, in Docket No. RI77-38 filed a petition for Special Relief pursuant to § 2.56a(g) of the Commission's Regulations. Petitioner requests relief from the nationwide rates prescribed in Opinion No. 770 for the proposed sales of natural gas to Michigan Wisconsin Pipe Line Company from several blocks in the High Island Area, Offshore Texas. Petitioner requests a rate of \$2.88 per Mcf.

Any person desiring to be heard or to make any protest with reference to said petition should on or before April 1, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding.

Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.77-7820 Filed 3-16-77;8:45 am]

[Docket No. CP77-267]

**MID LOUISIANA GAS CO. AND TRANS-  
CONTINENTAL GAS PIPE LINE CORP.**

Application

MARCH 10, 1977.

Take notice that on March 1, 1977, Mid Louisiana Gas Company (MLGC), 300 Poydras Street, New Orleans, Louisiana 70130, and Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1391, Houston, Texas 77001, filed in Docket No. CP77-267 a joint application pursuant to sections 7(b) and 7(c) of the Natural Gas Act for permission and approval to abandon certain facilities and for a certificate of public convenience and necessity authorizing the acquisition, construction and operation of certain facilities, the rendition of gas storage and transportation services, and the exchange of natural gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

MLGC requests permission and approval of the abandonment by sale to Transco of the Hester Gas Storage Field and approximately 8.8 miles of 12-inch pipeline and related facilities extending between the Hester Field and Transco's South Louisiana Gathering System. Transco, pursuant to an agreement dated November 3, 1976, proposes to purchase the proposed facilities at a cost of \$8,500,000, which cost includes approximately 8,000,000 Mcf of cushion gas. It is stated that MLGC is currently performing storage services for Transco at the Hester Field pursuant to contracts dated June 29, 1972, July 30, 1975, and June 30, 1976, which services were authorized by Commission orders of January 12, 1973, December 31, 1975, and January 14, 1977, in Docket Nos. CP73-52, CP76-36 and CP76-427, respectively (49 FPC ----, 54 FPC ----, and 57 FPC ----). It is stated that MLGC and Transco have agreed that once Transco takes possession of the Hester Field that the obligations under the aforementioned contracts would cease. Accordingly, MLGC requests permission for and approval of the abandonment of the storage services presently being rendered to Transco. It is further stated that there would be no actual removal of any facilities or termination of use because Transco would continue to operate the subject facilities to provide storage for itself.

Transco requests authorization to operate the Hester Field in order to provide storage for itself and for MLGC. It is stated that Transco would make available a top storage capacity quantity in the Hester Field of approximately 300,000,000 Mcf and subject to such a

storage limitation Transco would receive from MLGC up to 25,000 Mcf of natural gas per day at the Ethel point of interconnection in East Feliciana, Louisiana, or any other mutually agreeable points. It is stated further that Transco would upon request by MLGC withdraw up to 76,000 Mcf of gas per day and deliver such gas to MLGC at the Ethel point or any other mutually agreeable point.

It is stated that Transco plans to drill one additional injection and withdrawal well in addition to the four existing wells to assure better injection and withdrawal capability at a cost of \$649,450. It is indicated that MLGC's available withdrawal capability would be 75 percent and that Transco's would be 25 percent and that such percentages would be prorated accordingly if field deliverability on any day is less than 102,000 Mcf.

It is stated that MLGC would pay Transco a storage demand charge of \$69,615 per month, a storage capacity charge of \$39,780 per month, a withdrawal charge of 0.7 cent per dekatherm of gas withdrawn for MLGC's account and a transportation charge of \$21,000 per month. In addition it is stated that MLGC would provide Transco with gas for use as fuel in injecting gas equal to 1.25 percent of volumes received for injection and for withdrawal of gas equal to 0.25 percent of volumes withdrawn. It is also stated that MLGC would also be charged its proportionate part of the gas lost in the routine operation and maintenance of the Hester Field, not to exceed 5,000 Mcf per day.

It is stated that pursuant to Commission authorization in Docket No. CP73-52 on January 12, 1973, MLGC and Transco have exchanged gas at the Ethel point in East Feliciana Parish, the Hester exchange point in St. James Parish, and the Cameron Meadows exchange point in Cameron Parish, Louisiana. It is further stated that the facilities of MLGC utilized for the exchange of gas at the Hester exchange point are part of the facilities proposed to be sold to Transco. In order to provide additional operational flexibility it is indicated that MLGC and Transco propose to add three additional points of exchange. It is stated that MLGC and Transco would exchange gas at an existing point of delivery by MLGC to United Gas Pipe Line Company in St. James Parish, Louisiana, at the College Point Field purchase lateral and the facilities being sold to Transco in St. James Parish, Louisiana, and at the Hester Field.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 1, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the



protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by section 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.77-7819 Filed 3-16-77;8:45 am]

[Docket No. RI77-36]

**NORTH AMERICAN ROYALTIES, INC.**  
Petition for Special Relief

MARCH 10, 1977.

Take notice that on February 15, 1977, North American Royalties, Inc., (Petitioner), P.O. Box 51221, Lafayette, Louisiana 70505, filed a petition for special relief in Docket No. RI77-36 pursuant to Commission Order No. 481.

Petitioner seeks authorization to lease gas compression equipment which will increase operating expenses by \$.037 per Mcf of gas compressed, raising the price of gas from \$.25 per Mcf to \$.29 per Mcf on the Marg Sand Unit "B" C. Broussard No. 1 Well. Approximately 80 percent of the gas reserves from this well will be unrecoverable without gas compression.

Any person desiring to be heard or to make any protest with reference to said petition should on or before April 4, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements for the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.77-7828 Filed 3-16-77;8:45 am]

[Docket No. RP73-48 (PGA77-3)]

**NORTHERN NATURAL GAS CO.**

Rate Change Pursuant to Purchased Gas  
Cost Adjustment Provision

MARCH 10, 1977.

Take notice that Peoples Natural Gas Division of Northern Natural Gas Company on February 28, 1977 tendered for filing Fifteenth Revised Sheet No. 3a of its F.P.C. Gas Tariff, Original Volume No. 4. The proposed change to become effective April 1, 1977, would decrease the rate per Mcf to jurisdictional customers by 1.31¢ per Mcf. This decrease reflects a decrease in rates by Colorado Interstate Gas Company, resulting from a Purchased Gas Adjustment filed by CIG in accordance with the provisions of its FPC Gas Tariff. Colorado Interstate is the pipeline supplier to Peoples for sales made under Volume No. 4.

Copies of the filing were served upon the Gas Utility Customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 25, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.77-7822 Filed 3-16-77;8:45 am]

[Docket No. E-9585]

**OTTER TAIL POWER CO.**

Filing of Complaint

MARCH 10, 1977.

Pursuant to the authority of the Federal Power Act, particularly section 306 thereof, and § 1.6 of the Commission's Rules of Practice and Procedure, 18 CFR 1.6, notice is hereby given that the Cities of Alexandria, Barnesville, Benson, Detroit Lakes, Henning, Lake Park, Ortonsville, and Warren, Minnesota, and the City of Big Stone City, South Dakota, (Cities) filed a complaint on February 22, 1977, against Otter Tail Power Company (Otter Tail) alleging that Otter Tail has billed the Cities of Detroit Lakes and Alexandria, and is planning to bill all Cities, for transmission services at rates which violate the Commission's December 28, 1976, Order, in FPC Docket Nos. ER77-5, ER77-6, ER77-7, and E-9544.

Cities request that the Commission institute a proceeding in the United States District Court for the District of Columbia to enjoin Otter Tail from further billing Cities for transmission service in

violation of the Commission's December 28 order. Cities further request that the Commission take all steps necessary to institute proceedings against officers and employees of Otter Tail, pursuant to section 316(a) of the Federal Power Act, 16 U.S.C. 825(a).

The Commission has forwarded a copy of this complaint to Otter Tail who shall answer it in writing within thirty days.

Any person wishing to do so may submit written comments concerning the above referenced complaint on or before March 25, 1977, to the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. All comments submitted will be considered by the Commission in determining the appropriate action to be taken. Copies of the complaint are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.77-7826 Filed 3-16-77;8:45 am]

[Docket No. RP72-121 (PGA77-3)]

**SOUTHWEST GAS CORP.**

Filing of Tariff Sheet

MARCH 10, 1977.

Take notice that on February 22, 1977, Southwest Gas Corporation ("Southwest") tendered for filing Second Substitute Eighteenth Revised Sheet No. 3A, constituting Original PGA-1 in its FPC Gas Tariff, Original Volume No. 1. According to Southwest, the purpose of this filing is to reduce the rates of Southwest under its Purchased Gas Adjustment Clause in Section 9 of its General Terms and Conditions contained in its FPC Volume No. 1.

Southwest states the instant notice of change in rates is occasioned solely by a reduction in the cost of purchased gas which will become effective on April 1, 1977.

Southwest has requested an effective date of April 1, 1977 and states that copies of the filing have been mailed to the Nevada Public Service Commission, the California Public Utilities Commission, Sierra Pacific Power Company and the California-Pacific Utilities Company.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 25, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.77-7827 Filed 3-16-77;8:45 am]



[Docket No. CP76-469]  
**UNITED GAS PIPE LINE CO.**  
 Filing of Original Tariff Sheets

MARCH 10, 1977.

Take notice that on February 14, 1977, United Gas Pipe Line Company (United) tendered for filing Original Sheets Nos. 697 through 706 to its FPC Gas Tariff, Original Volume No. 2, being a transportation agreement between United and Sea Robin Pipeline Company dated July 19, 1976. It is proposed that these tariff sheets become effective on January 18, 1977, the date the transportation service certificated in Docket No. CP76-469 commenced.

The Company states that copies of these tariff sheets have been received by Sea Robin Pipeline Company.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before March 31, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
*Secretary.*

[FR Doc.77-7824 Filed 3-16-77; 8:45 am]

[Docket No. RP76-35 (PGA77-2)]  
**UTAH GAS SERVICE CO.**  
 Proposed Change in FPC Gas Tariff

MARCH 10, 1977.

Take notice that Utah Gas Service Company, on February 24, 1977, tendered for filing a Notice of Rate Change pursuant to the Purchased Gas Cost Adjustments provision of its Special Rate Schedule No. X-1 under which surplus gas is sold to Northwest Pipeline Corporation.

The purpose of the filing is to recover the jurisdictional portion of the increase in purchased gas costs which have or will become effective on or before April 1, 1977. Based on estimated sales in the twelve month period ending December 31, 1976, this increase in revenues on an annual basis attributable to the jurisdictional sales would be \$5,256, subject to Btu adjustment. In addition, the filing provides for a surcharge to permit the recovery of an additional amount of \$73,183 to cover the increased cost of purchased gas delivered during the six month period ending December 31, 1976.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the

Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 25, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
*Secretary.*

[FR Doc.77-7823 Filed 3-16-77; 8:45 am]

[Docket No. RP74-85 (PGA77-1)]  
**WESTERN GAS INTERSTATE CO.**

Proposed PGA Rate Adjustment

MARCH 10, 1977.

Take notice that on March 1, 1977, Western Gas Interstate Company ("Western") filed herein Sixth Revised Sheet No. 3A to its FPC Gas Tariff, Original Volume No. 1. Said tariff is proposed to become effective on April 1, 1977.

Western states the proposed increase in rates is being filed in accordance with its Tariff's PGA clause which permits the recovery of increases in the cost of gas and of unrecovered purchased gas costs. Western further states the proposed Purchased Gas Cost Adjustment for the Northern Division is 19.93 cents per Mcf; for the Southern Division it is 6.16 cents per Mcf. The proposed surcharge adjustment is an increase of 9.81 cents per Mcf for the Northern Division and a decrease of 1.71 cents per Mcf for the Southern Division; these latter adjustments will only be effective over the six-month period April 1, 1977 through September 30, 1977.

The proposed Purchased Gas Cost Adjustment will compensate Western for the increases in the annual cost of gas purchased by Western from producers. The proposed surcharge adjustment will compensate Western for the actual cost of gas purchased during the period July 1, 1976 through December 31, 1976 which was not recovered through Western's then-effective rates.

Any person desiring to be heard and to make any protest with reference to said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C., 20426, in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 25, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Western's filing is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,  
*Secretary.*

[FR Doc.77-7821 Filed 3-16-77; 8:45 am]

**FEDERAL RESERVE SYSTEM**

[H. 2, 1977 No. 9]

**ACTIONS OF THE BOARD**

**Applications and Reports Received During the Week Ending February 26, 1977**

**ACTIONS OF THE BOARD**

Statement by Chairman Arthur F. Burns, before the Joint Economic Committee on the state of the Nation's economy.

Determination by Board that the operation of a savings and loan association is not a "proper incident" to banking and is presently an impermissible activity for bank holding companies. Order denying retention of a savings and loan by D. H. Baldwin Co., Cincinnati, Ohio.

Staff memorandum on proposed Federal Trade Commission Regulation pursuant to Title II of the Antitrust Improvements Act; letter to Chairman Collier commenting on the proposed regulations.

Determination regarding "grandfather" privileges with respect to Patagonia Corporation, Tucson, Arizona.

Citizens and Southern Holding Company and Citizens and Southern National Bank, both of Atlanta, Georgia, order amending time requirement for divestiture of the Macon and Atlanta Office and Citizens and Southern Finance Company; issuance of order. University Bank and Trust Company, Newton, Massachusetts, proposed merger with Coolidge Bank and Trust Company, Watertown, Massachusetts, report to the Federal Deposit Insurance Corporation on competitive factors.

Termination of registration pursuant to Regulation G for Dyersburg Production Credit Association, Dyersburg, Tennessee.<sup>1</sup>

Termination of registration pursuant to Regulation G for Telco Credit Union, Little Rock, Arkansas.<sup>1</sup>

Deregistration statement pursuant to Regulation G for First Chicago University Finance Corporation, Chicago, Illinois, and for Pullman, Incorporated, Chicago, Illinois.<sup>1</sup>

First Bank System, Inc., Minneapolis, Minnesota, request for a three-month extension to acquire First National Bank of Burnsville, Burnsville, Minnesota.<sup>1</sup>

Old Stone Mortgage and Realty Trust, Providence, Rhode Island, proposed acquisition by Old Stone Bank, Providence, Rhode Island; report to the Federal Deposit Insurance Corporation on competitive factors.<sup>1</sup>

To Establish a Domestic Branch Pursuant to Section 9 of the Federal Reserve Act.

**APPROVED**

Bank of Utah, Ogden, Utah. Branch to be established in the vicinity of 9400 South, 700 East, Sandy.<sup>2</sup>

Royal Trust Bank of Tampa, Tampa, Florida. Branch to be established in the Tampa Bay Center, West Buffalo and Macdill Avenues, Tampa.<sup>2</sup>

The Detroit Bank, Southfield, Southfield, Michigan. Branch to be established at the Southeast Corner of Southfield and Mt. Vernon Roads, Southfield, Oakland County.<sup>2</sup>

Twin Falls Bank and Trust Company, Twin Falls, Idaho. Branch to be established at 1221 Addison Avenue, Twin Falls, Twin Falls County.<sup>2</sup>

<sup>1</sup> Application processed on behalf of the Board of Governors under delegated authority.

<sup>2</sup> Application processed by the Reserve Bank on behalf of the Board of Governors under delegated authority.



International Investments and other Actions Pursuant to Sections 25 and 25(a) of the Federal Reserve Act and Sections 4(c)(9) and 4(c)(13) of the Bank Holding Company Act of 1956, as amended.

## APPROVED

Chase Manhattan Bank N.A.; re—Investment—to acquire 95 percent of the shares of a De Novo Warehousing Company, Bogota, Colombia.

To Form a Bank Holding Company Pursuant to Section 3(a)(1) of the Bank Holding Company Act of 1956.

## APPROVED

Bancorporation of Wisconsin, Inc., West Allis, Wisconsin, for approval to acquire 80 percent or more of the voting shares of West Allis State Bank, West Allis, Wisconsin and Southwest Bank, New Berlin, Wisconsin.<sup>2</sup>

First National David City Corporation, David City, Nebraska, for approval to acquire 80 per cent or more of the voting shares of The First National Bank of David City, David City, Nebraska.<sup>2</sup>

## DENIED

Bankstock One, Inc., Ozark, Arkansas, for approval to acquire 80 per cent or more of the voting shares of Bank of Ozark, Ozark, Arkansas.

To Retain Control of a Subsidiary of a Bank Holding Company Pursuant to Section 3(a)(2) of the Bank Holding Company Act of 1956.

## APPROVED

First Bancorp., Inc., Corsicana, Texas, for approval to retain control as a subsidiary of First National Bank, Fairfield, Texas.

To Expand a Bank Holding Company Pursuant to Section 4(c)(8) of the Bank Holding Company Act of 1956.

## RETURNED

Otto Bremer Company and Otto Bremer Foundation, St. Paul, Minnesota, notification of intent to engage in de novo activities (providing certain investment financial or economic information and advice) at 1300 Northern Federal Building, 385 North Wabasha Street, St. Paul, Minnesota, through a subsidiary, Bremer Service Company, Inc. (12/28/76).<sup>2</sup>

## DELAYED

Sun Banks of Florida, Inc., Orlando, Florida, notification of intent to engage in de novo activities (providing bookkeeping or data processing services for the internal operations of the holding company and its subsidiaries and storing and processing other banking, financial, or related economic data such as performing payroll, accounts receivable or payable, or billing services) at 7007 N.W. 77th Avenue, Miami, Florida, through a subsidiary, Sunbank Data Corporation (2/22/77).<sup>2</sup>

<sup>2</sup>4(c)(8) and 4(c)(12) notifications processed by Reserve Bank on behalf of the Board of Governors under delegated authority.

## REACTIVATED

Industrial National Corporation, Providence, Rhode Island, notification of intent to engage in de novo activities (consumer finance and insurance agency for any insurance directly related to an extension of credit or provision of other financial services or otherwise sold as a matter of convenience to the purchaser) at 715 W. Ogelthorpe Boulevard, Albany, Georgia, through a subsidiary, Southern Discount Company, a subsidiary of Industrial National Corporation (2/23/77).<sup>2</sup>

## PERMITTED

Fidelcor, Inc., Rosemont, Pennsylvania, notification of intent to relocate de novo activities (making and acquiring, consumer and mortgage loans to individuals including second mortgage loans; servicing these loans and possibly other loans secured by mortgages in Massachusetts where the loans are owned by direct or indirect subsidiaries of Fidelcor; engaging in a general consumer finance business; purchasing installment contracts arising from the sale of personal property and services; and, with respect to all of the above, selling credit life and credit accident and health insurance, mortgage life and disability insurance, accidental death insurance, and casualty insurance on the collateral and through Master Life Insurance Company, an indirect subsidiary of Fidelcor, reinsuring credit life insurance and credit accident and health insurance sold; the location indicated is relevant to the reinsurance only as establishing a location of credit transactions to which the insurance relates) from 95 Main Street, Brockton, Massachusetts to 721A Belmont Street, Brockton, Massachusetts, through a subsidiary, Fidelcor Financial Centers, Inc. (2/24/77).<sup>2</sup>

Maryland National Corporation, Baltimore, Maryland, notification of intent to engage in de novo activities (engaging generally in the business of leasing personal property including, but not limited to, the leasing of various types of equipment, machinery, vehicles, transportation equipment, and data processing equipment; originating personal property leases as principal or agent; servicing personal property leases for affiliated or non-affiliated individuals, partnerships, or corporations; buying and selling and otherwise dealing in personal property lease contracts as principal or agent; acting as adviser in personal property leasing transactions; engaging in the sale, as agent or broker, of insurance similar in form and intent to credit life and/or mortgage redemption insurance; engaging generally in the business of leasing real property where the lease is the functional equivalent of an extension of credit; originating real property leases as principal or agent; servicing real property leases for affiliated or nonaffiliated individuals, partnerships, corporations or other entities; buying, selling, and otherwise dealing in real property leases as principal, agent, or broker; and acting as adviser in real property leasing transactions) at 300 E. Joppa Road, Towson, Maryland, through a subsidiary, Maryland National Leasing Corporation (2/24/77).<sup>2</sup>

BankAmerica Corporation, San Francisco, California, notification of intent to relocate de novo activities (making loans and extending credit and providing services incident to such loans and extensions of credit such as would be made or provided by a finance company including, but not limited to, making consumer installment loans, purchasing installment sales finance

contracts, making loans to small businesses and extensions of credit secured by real or personal property; acting as agent or broker for the sale of credit related life and credit related accident and disability insurance in connection with extensions of credit by FinanceAmerica Corporation of Massachusetts) from 1545 Blue Hill Avenue, Mattapan, Massachusetts to 524 Washington Street, Norwood, Massachusetts, through its indirect subsidiary, FinanceAmerica Corporation of Massachusetts, a subsidiary of FinanceAmerica Corporation (2/20/77).<sup>2</sup>

BankAmerica Corporation, San Francisco, California, notification of intent to relocate de novo activities (making loans and extending credit and providing services incident to such loans and extensions of credit such as would be made or provided by a finance company including, but not limited to, making consumer installment loans, purchasing installment sales finance contracts, and making loans to small businesses; acting as agent or broker for the sale of credit related property insurance in connection with extensions of credit by FinanceAmerica Corporation) from 20495 Van Dyke Avenue, Detroit, Michigan to 2974 Eighteen Mile Road, Troy, Michigan, through its indirect subsidiary, FinanceAmerica (a Michigan Corporation), a subsidiary of FinanceAmerica Corporation (2/20/77).<sup>2</sup>

First Hawaiian, Inc., Honolulu, Hawaii, notification of intent to engage in de novo activities (financing of personal property and equipment and real property and the leasing of such property or the acting as an agent, broker, or adviser in the leasing and/or financing of such property where at the inception of the initial lease the effect of the transaction (and, with respect to governmental entities only, reasonably anticipated future transactions) will yield a return that will compensate the lessor for not less than the lessor's full investment in the property plus the estimated total cost of financing the property over the term of the lease) at 165 South King Street, Honolulu, Hawaii, through its subsidiary, First Hawaiian Leasing, Inc. (2/24/77).<sup>2</sup>

Security Pacific Corporation, Los Angeles, California, notification of intent to engage in de novo activities (making or acquiring, for its own account or for the account of others, loans and extensions of credit including making consumer installment personal loans, purchasing consumer sales finance contracts, making loans to small businesses and other extensions of credit such as would be made by a factoring company or a commercial finance company; and acting as broker or agent for the sale of credit-related life/accident and health insurance) at 1322 East Shaw Avenue, Fresno, California, through its subsidiary, Security Pacific Finance Corp. (2/24/77).<sup>2</sup>

Security Pacific Corporation, Los Angeles, California, notification of intent to engage in de novo activities (making or acquiring, for its own account or for the account of others, loans and extensions of credit including making consumer installment personal loans, purchasing consumer sales finance contracts, making loans to small businesses and other extensions of credit such as would be made by a factoring company or a commercial finance company; and acting as broker or agent for the sale of credit-related life/accident and health insurance) at Olympic Plaza Building, 1243 Alpine Road, Walnut Creek, California, through its subsidiary, Security Pacific Finance Corp. (2/24/77).<sup>2</sup>



## APPROVED

Commercial National Corporation, Peoria, Illinois, for approval to acquire Commercial National Management Consulting Company, Peoria, Illinois.

## DENIED

D. H. Baldwin Company, Cincinnati, Ohio, for approval to retain all of the voting shares of Empire Savings, Building and Loan Association, Denver, Colorado and its subsidiaries.

## APPLICATIONS RECEIVED

To establish a Domestic Branch Pursuant to Section 9 of the Federal Reserve Act.

The Northern Trust Company, Chicago, Illinois. Branch to be established at 118-120 East Oak Street, Chicago.

Lakeshore Trust Company, Painesville, Ohio. Branch to be established at the Shoregate Shopping Center, Lakeshore Boulevard Willowick, Lake County.

Macomb County Bank, Richmond, Michigan. Branch to be established at 36312 Groesbeck, Clinton Township, Macomb County. Citizens Bank and Trust Company, Campbellsville, Kentucky. Branch to be established at 649 West Main Street, Campbellsville, Taylor County.

To Establish an Overseas Branch of a Member Bank Pursuant to Section 25 of the Federal Reserve Act.

First National Bank of Boston: re—Branch—three branches in Montevideo, Uruguay.

To Form a Bank Holding Company Pursuant to Section 3(a) (1) of the Bank Holding Company Act 1956.

Allen Bancshares, Inc., Allen, Oklahoma, for approval to acquire 94.375 percent of the voting shares of Farmers State Bank, Allen, Oklahoma, Allen, Oklahoma.

Kremmling Holding Company, Kremmling, Colorado, for approval to acquire 100 percent of the voting shares of Bank of Kremmling, Kremmling, Colorado.

McCune Bancshares, Inc., McCune, Kansas, for approval to acquire 80 percent or more of the voting shares of McCune State Bank, McCune, Kansas.

To Expand a Bank Holding Company Pursuant to Section 3(a) (3) of the Bank Holding Company Act of 1956.

First Bankers Corporation of Florida, Pompano Beach, Florida, for approval to acquire at least 80 percent of the voting shares of The First National Bank of Winter Garden, Winter Garden, Florida.

Chemical Financial Corporation, Midland, Michigan, for approval to acquire 100 percent of the voting shares of The Au Gres State Bank, Au Gres, Michigan.

Valley Bancorporation, Appleton, Wisconsin, for approval to acquire 80 percent or more of the voting shares of The Brownsville State Bank, Brownsville, Wisconsin.

To Expand a Bank Holding Company Pursuant to Section 4(c) (8) of the Bank Holding Company Act of 1956.

Industrial National Corporation, Providence, Rhode Island, notification of intent to engage in de novo activities (consumer finance and insurance agency for any insurance directly related to an extension of credit or provision of other financial

services) at 5972 University Boulevard, Suite No. 1, Jacksonville, Florida, through a subsidiary, Southern Discount Company, a subsidiary of Industrial National Corporation (2/22/77).<sup>2</sup>

Industrial National Corporation, Providence, Rhode Island, notification of intent to relocate de novo activities (consumer finance and insurance agency for any insurance directly related to an extension of credit or provision of other financial services) from 1591 Ware Avenue, East Point, Georgia to Washington Plaza Shopping Center, Washington Road, East Point, Georgia, through a subsidiary, Southern Discount Company, a subsidiary of Industrial National Corporation (2/22/77).<sup>2</sup>

Industrial National Corporation, Providence, Rhode Island, notification of intent to engage in de novo activities (consumer finance and insurance agency for any insurance directly related to an extension of credit or provision of other financial services) at 42-A Court Square, Mocksville, North Carolina, through a subsidiary, Southern Discount Company, a subsidiary of Industrial National Corporation (2/22/77).<sup>2</sup>

Horizon Bancorp, Morristown, New Jersey, notification of intent to relocate de novo activities (leasing real and personal property on a non operating, full payout basis and acting as an agent, broker, or adviser with respect to such property to be leased on that basis; and making or acquiring, for its own account or for the account of others, loans and other extensions of credit as would be made by a finance company; such loans or other extensions of credit would generally be secured by equipment or other assets which may be legally pledged) from Host Airport Hotel, Tampa International Airport, Tampa, Florida to 1600 S.E. 17th Street, Fort Lauderdale, Florida, through its subsidiary, Horizon Credit-corp. (2/24/77).<sup>2</sup>

Horizon Bancorp, Morristown, New Jersey, notification of intent to relocate de novo activities (making an acquiring, for its own account or for the account of others, loans and other extensions of credit principally secured by second mortgages on one-to-four family residences pursuant to the New Jersey Secondary Mortgage Loan Act, Chapter 205, P.L. 1970; and, in connection therewith, selling credit life, health and accident insurance) from 900 State Road, Princeton, New Jersey to 479 Midland Avenue, Saddle Brook, New Jersey through its subsidiary, Horizon Credit. (2/24/77).<sup>2</sup>

Marshall & Isley Corporation, Milwaukee, Wisconsin, notification of intent to relocate de novo activities (equipment leasing to business and manufacturing customers on a noncancellable full payout basis, to purchase conditional sales contracts from equipment suppliers and manufacturers and to make chattel security loans on commercial and industrial equipment) from the Southfield, Michigan office to 3040 Charlevoix Drive, S.E., Grand Rapids, Michigan, through its subsidiary, First National Leasing Corp. (2/22/77).<sup>2</sup>

Northern States Bancorporation, Inc., Detroit, Michigan, notification of intent to relocate de novo activities (mortgage banking activities by originating residential, commercial and industrial mortgage loans for its own account but principally for sale to others; servicing such loans for others and acting as investment or a financial adviser to the extent of serving as the advisory company for a mortgage or real estate investment trust) from 101 Southfield Road, Suite 302, Birmingham, Michigan to 4190 Telegraph Road, Bloomfield Hills, Michigan, through its subsidiary, Kelly

Mortgage and Investment Company (2/25/77).<sup>2</sup>

First Bank System, Inc., Minneapolis, Minnesota, notification of intent to engage in de novo activities (mortgage banking activities in three additional markets) in the Canadian Provinces of Alberta, Manitoba and Saskatchewan, through its subsidiary, FBS Financial, Inc. (2/22/77).<sup>2</sup>

Beatrice State Company, Beatrice, Nebraska, notification of intent to engage in de novo activities (industrial banking activities) at 720 Court Street, Beatrice, Nebraska, through a subsidiary, First Security Savings (2/22/77).<sup>2</sup>

McCune Bancshares, Inc., McCune, Kansas, for approval to engage in the sale of credit-related insurance at McCune State Bank, McCune, Kansas.

To Expand a Bank Holding Company Pursuant to Section 4(c) (12) of the Bank Holding Company Act of 1956.

American Financial Corporation, Cincinnati, Ohio, notification of intent to acquire 100 percent of the outstanding common stock of Stonewall Insurance Company, Birmingham, Alabama, an on-going casualty insurance company (2/24/77).<sup>2</sup>

For Certification Pursuant to the Bank Holding Company Tax Act of 1976.

The Brantley Company, Blackshear, Georgia, to divest shares of The Bank of Blackshear, Blackshear, Georgia. (Legal Division Docket TCR 76-134).

Motor Finance Corporation, Dunellen, New Jersey, to divest shares of The First National Bank of Dunellen, Dunellen, New Jersey, and shares of Fidelity Union Bancorporation, Newark, New Jersey. (Legal Docket TCR 76-135).

## REPORTS RECEIVED

None.

## PETITIONS FOR RULEMAKING

None.

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

GRIFFITH L. GARWOOD,  
Deputy Secretary of the Board.

[FR Doc. 77-1937 Filed 3-16-77; 8:45 am]

## INTERNATIONAL BANK

Determination of Control Over Financial General Bankshares, Inc.; Order Granting Motion To Dispense With Requirement for Recommended Decision

On August 1, 1974 the Board entered an Order determining that International Bank, Washington, D.C., had not terminated its control over Financial General Bankshares, Inc., Washington, D.C., which International Bank admittedly had in 1966, and preliminarily determining, pursuant to section 2(a) (2) (C) of the Act (12 U.S.C. 1841(a) (2) (C)), that International Bank exercises a controlling influence over the management and policies of Financial General Bankshares. International Bank requested a hearing to contest the Board's determinations of control and, by Order dated October 4, 1974 (39 FR 36510), the Board ordered such a hearing before Frederick Denniston, Administrative Law Judge, to



be conducted in accordance with the Board's Rules of Practice for Formal Hearings and the Board's Order of August 1, 1974.

In order to expedite the proceeding, the parties have requested an amendment of the procedures set forth in the Board's October 4, 1974 Order so as to eliminate the requirement that the Administrative Law Judge prepare a recommended decision. The motion has been certified to the Board for decision by the Administrative Law Judge pursuant to 12 CFR 263.4. It appears to the Board that good cause exists for granting the motion. Accordingly, *it is hereby ordered*, That, notwithstanding the earlier-referred-to Board Orders, the Administrative Law Judge shall not prepare a recommended decision but shall instead transmit and certify the record of the hearing to the Board pursuant to 12 CFR 263.11(b), not later than April 30, 1977.

*It is further ordered*, That the record to be certified to the Board shall include: (1) A statement of the issues for decision by the Board, jointly agreed to by the parties; (2) to the extent that there is disagreement as to the issues to be decided by the Board, a statement by each party as to those issues it believes should be decided by the Board; (3) proposed findings of fact and conclusions of law on behalf of each party; (4) such brief as each party may wish to file in support of its proposed findings of fact and conclusions of law; and (5) such reply briefs as the parties may wish to file.

*It is further ordered*, That, unless the parties may otherwise agree on such schedule, the Administrative Law Judge set such schedule for the filing of the above materials by the parties as may be necessary in order to enable him to certify the record in this matter to the Board by April 30, 1977.

By Order of the Board of Governors,  
March 10, 1977.

THEODORE E. ALLISON,  
Secretary of the Board.

[FR Doc. 77-7938 Filed 3-16-77; 8:45 am]

#### McCUNE BANCSHARES, INC.

##### Formation of Bank Holding Company

McCune Bancshares, Inc., McCune, Kansas, has applied for the Board's approval under section 3(a) (1) of the Bank Holding Company Act (12 U.S.C. 1842 (a) (1)) to become a bank holding company through acquisition of 80 per cent or more of the voting shares of The McCune State Bank, McCune, Kansas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842 (c)).

McCune Bancshares, Inc., McCune, Kansas, has also applied, pursuant to § 4(c) (8) of the Bank Holding Company Act (12 U.S.C. 1843(c) (8)) and § 225.4(b) (2) of the Board's Regulation Y (12 CFR 225.4(b) (2)), for permission to engage in the activity of acting as an agent for the sale of insurance directly related to extensions of credit by McCune State

Bank. Notice of the application was published on October 30, 1976, in The Parsons Sun, a newspaper circulated in McCune, Kansas.

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than April 1, 1977.

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

GRIFFITH L. GARWOOD,  
Deputy Secretary of the Board.

[FR Doc. 77-7940 Filed 3-16-77; 8:45 am]

#### OLD CANAL BANKSHARES, INC.

##### Order Denying Formation of Bank Holding Company

Old Canal Bankshares, Inc., Lockport, Illinois, has applied for the Board's approval under section 3(a) (1) of the Bank Holding Company Act (12 U.S.C. 1842 (a) (1)) of formation of a bank holding company through acquisition of 80 per cent or more of the voting shares of Heritage First National Bank of Lockport, Lockport, Illinois ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the application and all comments received have been considered in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant is a recently chartered, non-operating corporation organized under the laws of Delaware for the purpose of becoming a bank holding company by acquiring Bank (\$50.2 million in deposits.)<sup>1</sup> Upon acquisition of Bank, Applicant would control the 186th largest commercial banking organization in the State of Illinois and would control approximately 0.08 per cent of total deposits in commercial banks in the State. Bank, located in Lockport, Illinois, approximately 30 miles southwest of Chi-

<sup>1</sup> Deposit data as of December 31, 1975.

ago, is the fourth largest of 22 commercial banks in the relevant banking market<sup>2</sup> and holds approximately 7.9 per cent of the total commercial bank deposits in the market. The proposed transaction involves the transfer of ownership of Bank from individuals to a corporation owned by the same individuals. Since the subject proposal is essentially a corporate reorganization and Applicant has no subsidiaries, it appears unlikely that consummation of the proposal would have any adverse effect upon existing or potential competition or increase the concentration of banking resources, or have any adverse competitive effect. Thus, the Board concludes that competitive effects of the instant proposal are not adverse.

The Board has indicated on previous occasions that a bank holding company should constitute a source of financial and managerial strength to its subsidiary bank(s), and that the Board will closely examine the condition of an applicant with this consideration in mind. With respect to the subject application, it appears that the financial and managerial resources and future prospects of Applicant are entirely dependent upon Bank. The managerial resources of Applicant and Bank are regarded as generally satisfactory. However, as part of this proposal, Applicant would assume certain debt that its principals incurred in acquiring Bank's shares. Thus, Applicant proposes to initially incur approximately \$2.1 million in acquisition debt which it proposes to service over a twelve-year period through distributed earnings of Bank. The projected earnings for Bank, in the Board's view, would not provide Applicant with the necessary financial resources to meet its annual debt servicing requirements as well as any unexpected problems that might arise at Bank. Under the instant proposal, it does not appear that Bank would maintain an adequate level of capital throughout the debt retirement period.<sup>3</sup>

It does not appear that Bank's management proposes any significant changes in Bank's operations that might provide the necessary Bank earnings. In conclusion, the proposal would not provide Applicant the necessary financial flexibility to service its debt while maintaining adequate capital in Bank, and therefore Applicant's and Bank's financial resources and future prospects weigh against approval of the application.

No significant changes in Bank's operations or in the services offered to customers of Bank are anticipated to follow from consummation of the proposed acquisition. Consequently, convenience and needs factors lend no weight toward approval.

<sup>2</sup> The relevant banking market is approximated by Will County, Illinois.

<sup>3</sup> Within 180 days of approval of the subject proposal Applicant proposes to reduce the debt it would incur by \$100,000. This would result from the issuance by Bank of \$500,000 in 9 per cent preferred stock that would be funded through the sale of additional common stock in Applicant, which will be purchased by its principals for \$600,000.



On the basis of the circumstances concerning the instant application to become a bank holding company, the Board concludes that the banking considerations involved in this proposal present adverse factors bearing upon the financial resources and future prospects of both Applicant and Bank. Such adverse factors are not outweighed by any pro-competitive effects, the managerial resources of Applicant or Bank, or benefits that would better satisfy the convenience and needs of the community to be served. Accordingly, it is the Board's judgment that approval of the application to become a bank holding company would not be in the public interest and that the application should be denied.

On the basis of the facts of record, the application to become a bank holding company is denied for the reasons summarized above.

By order of the Board of Governors,<sup>4</sup> effective March 9, 1977.

GRIFFITH L. GARWOOD,  
Deputy Secretary of the Board.

[FR Doc. 77-7939 Filed 3-16-77; 8:45 am]

#### SPENCER FINANCIAL CORP.

##### Order Approving Formation of Bank Holding Company

Spencer Financial Corporation, Spencer, Iowa ("Spencer") has applied for the Board's approval under section 3(a) (1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through the acquisition of 66.44 percent or more of the voting shares of Spencer National Bank, Spencer, Iowa ("Bank").

In connection with the proposal Spencer National Bank Trust, Spencer, Iowa ("Trust") has also applied for the Board's approval, pursuant to section 3(a)(3) of the Act, to temporarily acquire 75.94 percent of the voting shares of Spencer. Trust presently owns 64.62 percent of the shares of Bank, but will exchange those shares for an equivalent number of shares of Spencer. Immediately after the exchange of stock, Trust will distribute the shares of Spencer to its beneficiaries and liquidate.

Notice of the applications, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Federal Reserve Bank of Chicago has considered the applications and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Spencer was recently organized by Bank's existing management for the purpose of becoming a bank holding company with respect to Bank (deposits of \$18.5 million<sup>5</sup>). Upon acquisition of

Bank, Spencer will control the 177th largest commercial bank in Iowa, with about 0.16 percent of total commercial bank deposits in the State. Bank ranks third out of ten banks in the Clay County banking market,<sup>6</sup> holding approximately 16.3 percent of commercial bank deposits therein. Since the proposed transaction involves only one bank and represents primarily a corporate reorganization, neither the temporary acquisition of Spencer by Trust nor the acquisition of Bank by Spencer would have any adverse effect on competition within any relevant area. Accordingly, it is concluded that competitive considerations are consistent with approval of the applications.

The financial and managerial resources and future prospects of Spencer, dependent upon those same conditions in Bank, are regarded as satisfactory and consistent with approval, particularly in light of Spencer's commitment to increase the capital position of Bank. Although Spencer will incur debt in connection with this proposal, it appears that income from Bank will provide sufficient revenue to service the debt without adversely affecting the financial condition of either Spencer or Bank.

Area banking needs are believed adequately served at present, and the proposed acquisition is expected to have no immediate effect on services offered by Bank. However, future public benefits may arise from the flexibility afforded by the holding company form of organization. Considerations relating to the convenience and needs of the community to be served are viewed as being consistent with approval of the applications. It is the judgment of this Reserve Bank that consummation of the proposed transaction would be in the public interest and that the applications should be approved.

On the basis of the record, the applications are approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order, or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Chicago pursuant to delegated authority.

By order of the Federal Reserve Bank of Chicago, acting pursuant to delegated authority for the Board of Governors of the Federal Reserve System, effective March 7, 1977.

ROBERT P. MAYO,  
President.

[FR Doc. 77-7941 Filed 3-16-77; 8:45 am]

#### UNITED KENTUCKY, INC.

##### Proposed Acquisition of Kesselring-Netherton & Associates, Inc.

United Kentucky, Inc., Louisville, Kentucky, has applied, pursuant to section 4(c)(8) of the Bank Holding Com-

<sup>5</sup> The Clay County banking market is approximated by all of Clay County plus portions of Buena Vista County and Palo Alto County, Iowa.

pany Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation (12 CFR 225.4(b)(2)), for permission to acquire all of the voting shares of Kesselring-Netherton & Associates, Inc., Louisville, Kentucky. Notice of the application was published on January 14, 1977, in *The Courier-Journal* and *The Louisville Times*, both newspapers circulated in Louisville, Kentucky.

Applicant states that the proposed subsidiary would engage in the activities of originating for its own account and the account of others conventional and guaranteed residential mortgage loans, commercial mortgage loans, and the servicing of such loans for permanent investors. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than April 7, 1977.

Board of Governors of the Federal Reserve System, March 10, 1977.

GRIFFITH L. GARWOOD,  
Deputy Secretary of the Board.

[FR Doc. 77-7942 Filed 3-16-77; 8:45 am]

#### FEDERAL TRADE COMMISSION

[File No. 761 0035]

##### FIVE COUNTY BUILDERS AND CONTRACTORS ASSOCIATION, INC.

Consent Agreement With Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Placement of Consent Agreement on Public Record for Comments.

SUMMARY: Pursuant to section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 2.34 of the Commission's rules of practice (16 CFR 2.34, 40 FR 15236, Apr. 4, 1975), notice is hereby given that the following consent agreement containing a consent order to cease and desist and an explanation thereof, having been filed with and provisionally accepted by the Commission,

<sup>4</sup> Voting for this action: Vice Chairman Gardner and Governors Wallich, Jackson, and Lilly. Absent and not voting: Chairman Burns and Governors Coldwell and Partee.

<sup>5</sup> All banking data are as of December 31, 1975.



has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(14) of the Commission's rules of practice (16 CFR 4.9(b)(14), 40 FR 15236, Apr. 4, 1975).

DATE: Comments must be received on or before May 16, 1977.

ADDRESS: Comments should be directed to: Office of the Secretary, Federal Trade Commission, 6th and Pennsylvania Avenue NW., Washington, D.C. 20580.

In the matter of Five County Builders and Contractors Association, Inc., a corporation. File No. 761 0035, agreement containing consent order to cease and desist.

The Federal Trade Commission having initiated an investigation of certain acts and practices of Five County Builders and Contractors Association, Inc., a corporation, and it now appearing that Five County Builders and Contractors Association, Inc., a corporation, hereinafter sometimes referred to as proposed respondent, is willing to enter into an agreement containing an order to cease and desist from the use of the acts and practices being investigated:

It is hereby agreed by and between Five County Builders and Contractors Association, Inc., by its duly authorized officer, and its attorney, and counsel for the Federal Trade Commission that:

1. Proposed respondent Five County Builders and Contractors Association, Inc., is a nonprofit corporation organized, existing and operating under and by virtue of the laws of the State of Florida, with its office and principal place of business located at 2301 Fowler Street, Fort Myers, Florida 33901.

2. Proposed respondent admits all the jurisdictional facts set forth in the draft of complaint here attached.

3. Proposed respondent waives:

(a) Any further procedural steps;

(b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law; and

(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement.

4. This agreement shall not become a part of the official record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission it, together with the draft of complaint contemplated thereby, will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released. Thereafter, the Commission may withdraw its acceptance if comments or views submitted to the Commission within the aforesaid sixty (60) day period disclose facts or considerations which indicate that the order contained in the agreement is inappropriate, improper or inadequate.

5. This agreement is for settlement purposes only and does not constitute an

admission by proposed respondent that the law has been violated as alleged in the draft of complaint here attached.

6. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 2.34 of the Commission's rules, the Commission may, without further notice to proposed respondents, (1) issue its complaint corresponding in form and substance with the draft of complaint here attached and its decision containing the following order to cease and desist in disposition of the proceeding and (2) make information public in respect thereto. When so entered, the order to cease and desist shall have the same force and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Mailing of the complaint and decision containing the agreed-to order to proposed respondent's address stated in the agreement shall constitute service. Respondent waives any right it may have to any other manner of service. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation or interpretation not contained in the order or the agreement may be used to vary or contradict the terms of the order.

7. Proposed respondent has read the proposed complaint and order contemplated hereby and understands that once the order has been issued it will be required to file one or more compliance reports showing that it has fully complied with the order and that it may be liable for a civil penalty in the amount provided by law for each violation of the order after it becomes final.

#### ORDER

It is ordered, That respondent Five County Builders and Contractors Association, Inc., its officers and directors, and the successors, assigns, agents, representatives and employees of said respondent, directly or indirectly, through any corporate or other device, or through any member of or signatory to its bid depository, in connection with the receipt, solicitation, use, submission or transmission of bids which are, or may be, employed in the awarding of building construction contracts and subcontracts, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, as amended, shall forthwith cease and desist from entering into, continuing, cooperating in, or carrying out, any course of action, conspiracy, undertaking or agreement:

1. While requires or provides that any member, signatory, company, firm or individual that employs or uses the bid depository of respondent corporation shall receive or solicit bids from, or submit bids to, only those companies, firms or individuals that are also members, signatories or participants in said bid depository;

2. Which subjects any company, firm or individual that employs or uses the

bid depository of respondent corporation to suspension from participation in said bid depository or fine or any other kind of sanction, or the threat thereof, for receiving or soliciting bids from, or submitting bids to, any company, firm or individual that is not a member of the bid depository of said respondent corporation or that does not employ or use said bid depository;

3. (a) To suspend from participation said bid depository, to fine or to impose any other sanction upon any company, firm or individual for submitting bids to any company, firm or individual that is not a member of the bid depository of respondent corporation or that does not employ or use said bid depository;

(b) To suspend from participation in said bid depository, to fine or to impose any other sanction upon any company, firm or individual for awarding contracts based upon bids received from any company, firm or individual that is not a member of the bid depository of respondent corporation or that does not employ or use said bid depository.

*It is further ordered,* That respondent immediately reinstate any company, firm or individual suspended from participation in said bid depository, which suspension resulted from conduct engaged in by respondent which hereinafter would amount to a violation of this order.

*It is further ordered,* That respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions and to all present and future members, signatories, companies, firms or individuals that participate in said bid depository.

*It is further ordered,* That respondent notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

*It is further ordered,* That the respondent herein shall within sixty (60) days after service upon it of this order file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this order.

FIVE COUNTY BUILDERS AND CONTRACTORS ASSOCIATION, INC., FILE NO. 7610035

#### ANALYSIS OF PROPOSED CONSENT ORDER TO AID PUBLIC COMMENT

The Federal Trade Commission has accepted an agreement to a proposed consent order from Five County Builders and Contractors Association, Inc. The proposed consent order has been placed on the public record for sixty (60) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.



The staff's proposed complaint which led to the agreement alleges that Five County Builders and Contractors Association, Inc., is a trade association whose membership includes electrical, plumbing, heating, ventilation, air conditioning, and general building contractors who perform their services in five Florida counties—Lee, Collier, Charlotte, Hendry, and Glades. According to the complaint, the trade association has operated a "bid depository."

The complaint alleges that the bid depository is used by the members of the association to award or be awarded building contracts, and that members of the association who use the depository must, under the rules of the association, submit and receive bids exclusively through the depository. The alleged penalty for offering bids to or receiving bids from non-members of the depository is suspension from further use of the depository and a fine.

The complaint concludes that these practices may have a tendency or capacity to impede competition in the sale of the services provided by the members of the association.

The proposed consent order would prohibit Five County Builders and Contractors Association from entering into any agreement or taking any other action which would require bid depository participants to deal exclusively with the depository, or which would impose sanctions on firms participating in the depository which also receive or submit bids to non-participants. Any firms which have been suspended from participation in the past would have to be reinstated under the proposed order.

The purpose of this analysis is to facilitate public comment on the proposed order and it is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

JOHN F. DUGAN,  
Acting Secretary.

[FR Doc. 77-7811 Filed 3-16-77; 8:45 am]

[File No. 761 0034]

**NATIONAL ELECTRICAL CONTRACTORS ASSOCIATION, INC., FLORIDA WEST COAST CHAPTER**

**Consent Agreement With Analysis To Aid Public Comment**

AGENCY: Federal Trade Commission.

ACTION: Placement of Consent Agreement on Public Record for Comments.

SUMMARY: Pursuant to section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 2.34 of the Commission's rules of practice (16 CFR 2.34, 40 FR 15236, Apr. 4, 1975), notice is hereby given that the following consent agreement containing a consent order to cease and desist and an explanation thereof, having been filed with and provisionally accepted by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or

views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b) (14) of the Commission's rules of practice (16 CFR 4.9(b) (14), 40 FR 15236, Apr. 4, 1975).

DATE: Comments must be received on or before May 16, 1977.

ADDRESS: Comments should be directed to: Office of the Secretary, Federal Trade Commission, 6th and Pennsylvania Avenue, NW., Washington, D.C. 20580.

In the matter of Florida West Coast Chapter, National Electrical Contractors Association, Inc., a corporation. File No. 761 0034, agreement containing consent order to cease and desist.

The Federal Trade Commission having initiated an investigation of certain acts and practices of Florida West Coast Chapter, National Electrical Contractors Association, Inc., a corporation, and it now appearing that Florida West Coast Chapter, National Electrical Contractors Association, Inc., a corporation, hereinafter sometimes referred to as proposed, is willing to enter into an agreement containing an order to cease and desist from the use of the acts and practices being investigated:

It is hereby agreed by and between Florida West Coast Chapter, National Electrical Contractors Association, Inc., by its duly authorized officer, and its attorney, and counsel for the Federal Trade Commission that:

1. Proposed respondent Florida West Coast Chapter, National Electrical Contractors Association, Inc., is a nonprofit corporation organized, existing and operating under and by virtue of the laws of the State of Florida, with its office and principal place of business located at 2103 West Cass Street, Tampa, Florida.

2. Proposed respondent admits all the jurisdictional facts set forth in the draft of complaint here attached.

3. Proposed respondent waives:

(a) Any further procedural steps;

(b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law; and

(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement.

4. This agreement shall not become a part of the official record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission it, together with the draft of complaint contemplated thereby, will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released. Thereafter, the Commission may withdraw its acceptance if comments or views submitted to the Commission within the aforesaid sixty (60) day period disclose facts or considerations which indicate that the order contained in the agreement is inappropriate, improper or inadequate.

5. This agreement is for settlement purposes only and does not constitute an admission by proposed respondent that the law has been violated as alleged in the draft of complaint here attached.

6. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 2.34 of the Commission's Rules, the Commission may, without further notice to proposed respondent, (1) issue its complaint corresponding in form and substance with the draft of complaint here attached and its decision containing the following order to cease and desist in disposition of the proceeding and (2) make information public in respect thereto. When so entered, the order to cease and desist shall have the same force and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Mailing of the complaint and decision containing the agreed-to order to proposed respondent's address stated in the agreement shall constitute service. Respondent waives any right it may have to any other manner of service. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation or interpretation not contained in the order or the agreement may be used to vary or contradict the terms of the order.

7. Proposed respondent has read the proposed complaint and order contemplated hereby and understands that once the order has been issued it will be required to file one or more compliance reports showing that it has fully complied with the order and that it may be liable for a civil penalty in the amount provided by law for each violation of the order after it becomes final.

**ORDER**

It is ordered, That respondent Florida West Coast Chapter, National Electrical Contractors Association, Inc., its officers and directors, and the successors, assigns, agents, representatives and employees of said respondent, directly or indirectly, through any corporate or other device, or through any member of or signatory to its bid depository, in connection with the receipt, solicitation, use, submission, or transmission of bids which are, or may be, employed in the awarding of building construction contracts and subcontracts, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, as amended, shall forthwith cease and desist from entering into, continuing, cooperating in or carrying out any course of action, conspiracy, undertaking or agreement:

1. Which requires or provides that any member, signatory, company, firm or individual that employs or uses the bid depository of respondent corporation shall receive or solicit bids from, or submit bids to, only those companies, firms or individuals that are also members, signatories or participants in said bid depository;



2. Which subjects any member, signatory, company, firm or individual that employs or uses the bid depository of respondent corporation to suspension from participation in said bid depository or fine or any other kind of sanction, or the threat thereof, for receiving or soliciting bids from, or submitting bids to, any company, firm or individual that is not a member of said respondent corporation, is not a signatory to said bid depository or that does not employ or use said bid depository;

3. (a) To suspend from participation in said bid depository, to fine or to impose any other sanction upon any member, signatory, company, firm or individual for submitting bids to any company, firm or individual that is not a member of respondent corporation, is not a signatory to said bid depository or that does not employ or use said bid depository;

(b) To suspend from participation in said bid depository, to fine or to impose any other sanction upon any member, signatory, company, firm or individual for awarding contracts based upon bids received from any company, firm or individual that is not a member of respondent corporation, is not a signatory to said bid depository or that does not employ or use said bid depository.

*It is further ordered.* That respondent immediately reinstate any member, signatory, company, firm or individual suspended from participation in said bid depository, which suspension resulted from conduct engaged in by respondent which hereinafter would amount to a violation of this order.

*It is further ordered.* That respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions and to all present and future members, signatories, companies, firms or individuals that participate in said bid depository.

*It is further ordered.* That respondent notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

*It is further ordered.* That the respondent herein shall within sixty (60) days after service upon it of this order file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this order.

FLORIDA WEST COAST CHAPTER, NATIONAL ELECTRICAL CONTRACTORS ASSOCIATION, INC., FILE NO. 761 0034

ANALYSIS OF PROPOSED CONSENT ORDER TO AID PUBLIC COMMENT

The Federal Trade Commission has accepted an agreement to a proposed consent order from Florida West Coast Chapter, National Electrical Contractors Association, Inc. The proposed consent order has been placed on the public record for sixty (60) days for reception of comments by interested persons. Com-

ments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

The staff's proposed complaint which led to the agreement alleges that Florida West Coast Chapter, National Electrical Contractors Association, Inc. is a trade association whose participants include member electrical contractors and signatory non-member electrical and general contractors who perform their services in four Florida counties—Hillsborough, Pinellas, Pasco and Hernando. According to the complaint, the trade association has operated a "bid depository."

The complaint alleges that the bid depository is used by the members and signatory non-members of the association to award or be awarded building contracts, and that members and signatory non-members of the association who use the depository must, under the rules of the association, submit and receive bids exclusively through the depository. The alleged penalty for offering bids to or receiving bids from non-signatory non-members of the depository is suspension from further use of the depository.

The complaint concludes that these practices may have a tendency or capacity to impede competition in the sale of the services provided by the members and signatory non-members of the association.

The proposed consent order would prohibit Florida West Coast Chapter, National Electrical Contractors Association, Inc. from entering into any agreement or taking any other action which would require bid depository participants to deal exclusively with the depository, or which would impose sanctions on firms participating in the depository which also receive or submit bids to non-participants. Any firms which have been suspended from participation in the past would have to be reinstated under the proposed order.

The purpose of this analysis is to facilitate public comment on the proposed order, and it is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

JOHN F. DUGAN,  
Acting Secretary.

[FR Doc. 77-7812 Filed 3-16-77; 8:45 am]

[File No. 761 0033]

GULF COAST BUILDERS EXCHANGE, INC.

Consent Agreement With Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Placement of Consent Agreement on Public Record for Comments.

SUMMARY: Pursuant to section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 2.34 of the

Commission's rules of practice (16 CFR 2.34, 40 FR 15236, Apr. 4, 1975), notice is hereby given that the following consent agreement containing a consent order to cease and desist and an explanation thereof, having been filed with and provisionally accepted by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b) (14) of the Commission's rules of practice (16 CFR 4.9(b) (14), 40 FR 15236, Apr. 4, 1975).

DATE: Comments must be received on or before: May 16, 1977.

ADDRESS: Comments should be directed to: Office of the Secretary, Federal Trade Commission, 6th and Pennsylvania Avenue, NW., Washington, D.C. 20580.

In the matter of Gulf Coast Builders Exchange, Inc., a corporation. File No. 761 0033 agreement containing consent order to cease and desist.

The Federal Trade Commission having initiated an investigation of certain acts and practices of Gulf Coast Builders Exchange, Inc., a corporation, and it now appearing that Gulf Coast Builders Exchange, Inc., a corporation, hereinafter sometimes referred to as proposed respondent, is willing to enter into an agreement containing an order to cease and desist from the use of the acts and practices being investigated:

It is hereby agreed by and between Gulf Coast Builders Exchange, Inc., by its duly authorized officer, and its attorney, and counsel for the Federal Trade Commission that:

1. Proposed respondent Gulf Coast Builders Exchange, Inc., is a nonprofit corporation organized, existing and operating under and by virtue of the laws of the State of Florida, with its office and principal place of business located at 1490 First Street, Sarasota, Florida 33577.

2. Proposed respondent admits all the jurisdictional facts set forth in the draft of complaint here attached.

3. Proposed respondent waives:

(a) Any further procedural steps;  
(b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law; and  
(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement.

4. This agreement shall not become a part of the official record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission it, together with the draft of complaint contemplated thereby, will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released. Thereafter, the Commission may withdraw its acceptance if comments or views submitted to the Commission within the aforesaid sixty (60) day period disclose facts or consid-



erations which indicate that the order contained in the agreement is inappropriate, improper or inadequate.

5. This agreement is for settlement purposes only and does not constitute an admission by proposed respondent that the law has been violated as alleged in the draft of complaint here attached.

6. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 2.34 of the Commission's Rules, the Commission may, without further notice to proposed respondent, (1) issue its complaint responding in form and substance with the draft of complaint here attached and its decision containing the following order to cease and desist in disposition of the proceeding and (2) make information public in respect thereto. When so entered, the order to cease and desist shall have the same force and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Mailing of the complaint and decision containing the agreed-to order to proposed respondent's address stated in the agreement shall constitute service. Respondent waives any right it may have to any other manner of service. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation or interpretation not contained in the order or the agreement may be used to vary or contradict the terms of the order.

7. Proposed respondent has read the proposed complaint and order contemplated hereby and understands that once the order has been issued it will be required to file one or more compliance reports showing that it has fully complied with the order and that it may be liable for a civil penalty in the amount provided by law for each violation of the order after it becomes final.

#### ORDER

*It is ordered.* That respondent Gulf Coast Builders Exchange, Inc., its officers and directors, and the successors, assigns, agents, representatives and employees of said respondent, directly or indirectly, through any corporate or other device, or through any member or signatory to its bid depository, in connection with the receipt, solicitation, use, submission or transmission of bids which are, or may be employed in the awarding of building construction contracts and subcontracts, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, as amended, shall forthwith cease and desist from entering into, continuing, cooperating in, or carrying out, any course of action, undertaking or agreement:

1. Which requires or provides that any member, signatory, company, firm or individual that employs or uses the bid depository of respondent corporation shall receive or solicit bids from, or submit bids to, only those companies, firms or individuals that are also members, signatories or participants in said bid depository;

2. Which subjects any member, signatory, company, firm or individual that employs or uses the bid depository of respondent corporation to suspension from participation in said bid depository or fine or any other kind of sanction, or the threat thereof, for receiving or soliciting bids from, or submitting bids to, any company, firm or individual that is not a member of said respondent corporation, is not a signatory to said bid depository or that does not employ or use said bid depository;

3. (a) To suspend from participation in said bid depository, to fine or to impose any other sanction upon any member, signatory, company, firm or individual for submitting bids to any company, firm or individual that is not a member of respondent corporation, is not a signatory to said bid depository or that does not employ or use said bid depository;

(b) To suspend from participation in said bid depository, to fine or to impose any other sanction upon any member, signatory, company, firm or individual for awarding contracts based upon bids received from any company, firm or individual that is not a member of respondent corporation, is not a signatory to said bid depository or that does not employ or use said bid depository.

*It is further ordered.* That respondent immediately reinstate any member, signatory, company, firm or individual suspended from participation in said bid depository, which suspension resulted from conduct engaged in by respondent which hereinafter would amount to a violation of this order.

*It is further ordered.* That respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions and to all present and future members, signatories, companies, firms or individuals that participate in said bid depository.

*It is further ordered.* That respondent notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

*It is further ordered.* That the respondent herein shall within sixty (60) days after service upon it of this order file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this order.

*It is further ordered.* That the respondent herein shall within sixty (60) days after service upon it of this order file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this order.

GULF COAST BUILDERS, EXCHANGE, INC.,  
FILE NO. 761 0033

#### ANALYSIS OF PROPOSED CONSENT ORDER TO AID PUBLIC COMMENT

The Federal Trade Commission has accepted an agreement to a proposed consent order from Gulf Coast Builders Exchange, Inc. The proposed consent order has been placed on the public record for sixty (60) days for reception of com-

ments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

The staff's proposed complaint which lead to the agreement alleges that Gulf Coast Builders Exchange, Inc., is a trade association whose participants include member and signatory non-member general, electrical, plumbing, heating, air-conditioning and roofing contractors who perform their services in Sarasota and Manatee Counties, Florida. According to the complaint, the trade association has operated a "bid depository."

The complaint alleges that the bid depository is used by the members and signatory non-members of the association to award or be awarded building contracts, and that members and signatory non-members of the association who use the depository must, under the rules of the association, submit and receive bids exclusively through the depository. The alleged penalty for offering bids to or receiving bids from non-signatory non-members of the depository is suspension from further use of the depository.

The complaint concludes that these practices may have a tendency or capacity to impede competition in the sale of the services provided by the members and signatory non-members of the association.

The proposed consent order would prohibit Gulf Coast Builders Exchange, Inc. from entering into any agreement or taking any other action which would require bid depository participants to deal exclusively with the depository, or which would impose sanctions on firms participating in the depository which also receive or submit bids to non-participants. Any firms which have been suspended from participation in the past would have to be reinstated under the proposed order.

The purpose of this analysis is to facilitate public comment on the proposed order and it is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

JOHN F. DUGAN,  
Acting Secretary.

[FR Doc. 77-7813 Filed 3-16-77; 8:45 am]

#### MEETINGS

In accordance with 5 U.S.C. 552(b)(3), the Federal Trade Commission announces the following meetings:

CLOSED MEETING: MARCH 22, 1977

The Commissioners will meet in a closed session at 10 a.m. on Tuesday, March 22, 1977, in Room 432 of the Federal Trade Commission Building, 6th Street and Pennsylvania Avenue NW., Washington, D.C. 20580. The agenda for the closed meeting consists of the following items:



*Nonadjudicative matters.* (1) Approval of Minutes of Nonadjudicative Matters Considered at Meeting of March 15, 1977.

(2) Enforcement of Textile, Wool and Fur Acts/Status of the Textile Testing Laboratory

(3) Consideration of Disposition of Part II (Nonpublic) Matter.

*Adjudicative matters under Part 3 of the rules of practice.* (1) Consideration of Petition for Motion for Reconsideration of Order in Spiegel, Inc., Docket 8990.

#### OPEN MEETING: MARCH 23, 1977

The public is invited to attend the Commission's open meeting, which will begin at 10 a.m. on Wednesday, March 23, 1977, in Room 432 of the Federal Trade Commission Building. The Commission has not yet scheduled any items for discussion at this meeting. If no items are placed on the agenda pursuant to 5 U.S.C. 552b(e) (2) by 10 a.m., March 23, 1977, the meeting will automatically be cancelled. Any items that are placed on the agenda before that time will be announced in accordance with the procedures outlined in the "Additional Information" paragraph below.

*Guidelines for public observers.* Members of the public may observe but not participate in open meetings of the Commission. Accordingly, members of the public, while in the meeting room, shall maintain appropriate decorum and shall not engage in conduct that is distracting to other observers or to the meeting participants. Observers may be ejected from the meeting room for violating these guidelines.

Except for accredited members of the news media, observers are prohibited from taking photographs, motion pictures, or video recordings during a meeting or from using any sound device that can be operated unobtrusively from the observer's seat. The news media shall conform to the Commission's media guidelines for the use of photographic and electronic recording devices.

*Guidelines for media.* Open meetings of the Commission may be covered by the media subject to certain restrictions on the use of audio-visual equipment.

Audio-only tape recording of meetings is permitted, provided the recording devices and microphones are placed at the press table.

"Available light only" hand-held still and motion picture photography and hand-held videotaping cameras are permitted in the meeting room provided such use is unobtrusive. Tripods or other portable supports may be used, but flash bulbs and floodlights are not permitted.

*Additional information.* Questions concerning these meetings should be directed to the Office of Public Information, Room 496 of the Federal Trade Commission Building, 6th Street and Pennsylvania Avenue NW., Washington, D.C., 20580, Telephone Number (202) 523-3830. Any change in the time, place, or subject matter of these meetings will be posted at the earliest practicable time in Room 130 of the Federal Trade Commission Building. Except as they relate exclusively to matters closed under 5 U.S.C. § 552b(c) (10), such changes will also be submitted to the Federal Register for publication. For recorded information on the current status of these meetings, call (202) 523-3806.

Issued: March 15, 1977.

JOHN F. DUGAN,  
Acting Secretary.

[FR Doc.77-8179 Filed 3-16-77; 8:45 am]

## FOREIGN-TRADE ZONES BOARD

[Docket No. 2-77]

### PORT EVERGLADES AUTHORITY

#### Application To Establish Temporary Foreign-Trade Zone Site in Broward County, Florida

Notice is hereby given that an application has been submitted to the Foreign-Trade Zones Board (the Board by the Port Everglades Authority, Port Everglades, Florida, grantee of Foreign-Trade Zone No. 25, requesting authority to establish a temporary foreign-trade zone site in Broward County, Florida. The site consists of a warehouse at 1100 Northeast Seventh Avenue in the City of Dania, approximately one mile southwest of the Port Authority's permanent industrial park zone site, which was approved by the Board on December 27, 1976, 42 FR 61 (1/3/77).

The proposed temporary facility will provide 47,000 square feet of warehousing and processing space for firms desiring to use foreign-trade zone procedures while the permanent facility, which is expected to be operational within a year, is being readied. These companies are expected to relocate to the industrial park site as soon as it is ready for occupancy. An inspection of the proposed interim zone has been made by local Customs officials.

An examiners committee has been appointed to investigate the application consisting of: Hugh J. Dolan, Chairman, Office of the Secretary, U.S. Department of Commerce, Washington, D.C. 20230; James R. Cahill, Director, Inspection and Control Division, U.S. Customs Region IV, 7370 N.W. 36th Street, Miami, Florida 33166; and Colonel D. A. Wisdom, District Engineer, U.S. Army Engineer District, Jacksonville, P.O. Box 4970, Jacksonville, Florida 32201.

Copies of the Port Everglades Authority's application are available for inspection at each of the following offices:

U.S. Department of Commerce District Office, Room 821, City National Bank Building, 25 West Flagler Street, Miami, Florida 33130.

Port Everglades Authority, Spangler St. and Eisenhower Blvd., Port Everglades, Florida 33316.

Executive Secretary, Foreign-Trade Zones Board, Room 6886B, U.S. Department of Commerce, Washington, D.C. 20230.

Comments concerning the proposal are invited in writing (original and six copies) from interested parties. They should be addressed to the Board's Executive Secretary at the above address and be postmarked on or before April 4, 1977.

JOHN J. DA PONTE, JR.,  
Executive Secretary,  
Foreign-Trade Zones Board.

[FR Doc.77-7872 Filed 3-16-77; 8:45 am]

## GENERAL SERVICES ADMINISTRATION

### PRIVACY ACT OF 1974

#### Revocation and Transfer of Systems of Records

Pursuant to the provisions of the Privacy Act of 1974, Public Law 93-579, 5

U.S.C. 552a, the Defense Manpower Commission (DMPC) published in the FEDERAL REGISTER (40 FR 39198) a notice of the existence of the following systems of records: General Financial Records DMPC-1, system identification number 33-12-0001; Payroll Records DMPC-2, system identification number 33-12-0002; and General Personnel Records DMPC-3, system identification number 33-12-0003. The Commission terminated operations on June 18, 1976. As the General Services Administration (GSA) has responsibility for concluding the administrative operations of DMPC, GSA hereby publishes notice that the above systems of records are revoked.

Following is a summary of the disposition of the Commission's systems of records subsequent to the termination date:

General Financial Records DMPC-1 and Payroll Records DMPC-2: Retained by GSA for use in concluding administrative operations of the Defense Manpower Commission as part of the GSA system of records, Defunct Agency Records GSA/OAD-36.

General Personnel Records DMPC-3: The records in this system were copies of personnel actions and other employment records which were maintained at the Defense Manpower Commission and were disposed of by the Commission upon its termination.

Dated at Washington, D.C. on March 10, 1977.

C. L. MORRISON, Jr.,  
Acting Director for Administration.

[FR Doc.77-7883 Filed 3-16-77; 8:45 am]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Office of the Assistant Secretary for Planning and Evaluation

#### COMMUNITY SERVICES

#### Notice of Program Results

Pursuant to section 806 of the Community Services Act of 1974, (Pub. L. 93-644) 42 U.S.C. 2946, this agency announces a report as a result of activities associated with HEW contract entitled, "Conceptual Design for Research Related to Family Structure and Single-Parent Families."

The project "Conceptual Design for Research Related to Family Structure and Single-Parent Families" resulted in a single product intended for use by the Women's Action Program (WAP) as a design basis for four specific family-related research tasks. The design was concerned with the broad conceptualization of all four tasks to maximize the degree to which they could be complementary and mutually supportive. Emphasis was placed on problems defining the target groups and issues necessary to the proposed survey of single heads of family envisioned as one of the four research efforts. The sample for that initial demographic effort was anticipated to be identified by the Bureau of the Census' 1976 Survey of Income and Education (SIE).

The contract report defines the conceptual framework within which the four specific projects would become inte-



grated parts of the continuing and related efforts of the Women's Action Program. It describes in general terms, some demographic data needs common to the research efforts regarding labor market constraints on female heads of households; composition of non-traditional households; the demography resulting from the current high incidence of marital separation and divorce; and the social and psychological coping by single-parent heads of households and their families.

The report will be used by the Women's Action Program in conjunction with, and as an adjustment to, their on-going single-parent family and other family research activities.

Copies of the product will be available upon request from the Women's Action Program, DHEW, Room 438F South Portal Building, 200 Independence Avenue, SW, Washington, D.C. 20201.

Dated: March 11, 1977.

GERALD H. BRITTEN,  
Assistant Secretary for  
Planning and Evaluation.

[FR Doc. 77-7844 Filed 3-16-77; 8:45 am]

Office of Education  
NATIONAL ADVISORY COUNCIL FOR  
CAREER EDUCATION  
Meeting

AGENCY: Office of Education National Advisory Council for Career Education  
ACTION: Notice

SUMMARY: This notice sets forth the schedule and proposed agenda of forthcoming meeting of the National Advisory Council for Career Education. It also describes the functions of the Council. Notice of the meeting is required pursuant to Section 10(a) (2) of the Federal Advisory Committee Act (Pub. L. 92-463.) This document is intended to notify the general public of their opportunity to attend.

DATES: April 5-6, 1977. April 5-9:00 a.m. to 4:30 p.m. April 6-9:00 a.m. to 3:00 p.m.

ADDRESS: Skyline Inn, South Capitol and I Sts., S.W. Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

Dr. Robert Bhaerman, Office of Education, Office of Career Education, 7th and D Sts., S.W., Rm. 3100, Washington, D.C. 20202, (202) 245-2547

The National Advisory Council for Career Education is established under Section 406 of the Education Amendments of 1974, Pub. L. 93-380 (88 Stat. 552, 553.) The Council is directed to:

Advise the Commissioner of Education on the implementation of Section 406 of the Education Amendments of 1974 and carry out such advisory functions as it deems appropriate, including reviewing the operation of this section and all other programs of the Division of Education pertaining to the development and implementation of career education, evaluating their effectiveness in meeting the

needs of career education throughout the United States, and in determining need for further legislative remedy in order that all citizens may benefit from the purposes of career education as described in section 406.

The Council with the assistance of the Commissioner conducted a survey and assessment of the current status of career education programs, projects, curricula and materials in the United States and submitted to Congress a report on such survey.

The meeting of the Council shall be open to the public. The meeting on April 5 will begin at 9:00 a.m. and end at 4:30 p.m. and on April 6 the meeting will begin at 9:00 a.m. and end at 3:00 p.m. The meeting will be held at the Skyline Inn, located at South Capitol and I Streets SW., Washington, D.C.

The proposed agenda includes:

- (1) Swearing in of new members
- (2) Selection of Vice-Chairperson
- (3) Legislative Sub-Committee Report
- (4) Business Items/General Correspondence
- (5) Discussion of Priorities and Plan of Operation for the Year
- (6) Report on Career Education Activities in the Bureau of Education for the Handicapped
- (7) Discussion of Commissioned Papers
- (8) Report on Career Education Activities of the Fund for the Improvement of Postsecondary Education
- (9) Calendar Items

Records shall be kept of all Council proceedings and shall be available 14 days after the meeting for public inspection at the Office of Career Education located at 7th and D Sts., S.W.—Room 3100, ROB #3 Washington, D.C. 20202.

Signed at Washington, D.C. on March 11, 1977.

JOHN LINDIA, Delegate,  
National Advisory Council  
for Career Education.

[FR Doc. 77-7903 Filed 3-16-77; 8:45 am]

Office of the Secretary  
STUDENT FINANCIAL ASSISTANCE  
STUDY GROUP

Hearing and Meeting

The Student Financial Assistance Study Group was established by public notice on August 27, 1976, to advise the Secretary of Health, Education, and Welfare on ways to implement more effectively and efficiently the Student Financial Assistance Programs administered by the Department. These programs include the Basic Educational Opportunity Grants Program (BEOG), the Guaranteed Student Loan Program (GSL), the Supplemental Educational Opportunity Grants Program (SEOG), the National Direct Student Loan Program (NDSL), the College Work-Study Program (CWS), and the State Student Incentive Grant Program (SSIG).

Notice is hereby given pursuant to Pub. L. 92-463 that the Student Financial Assistance Study Group will hold a hearing

to receive suggestions on all topics related to its study and, in particular, to receive comments on some of the tentative recommendations listed below that the Study Group has under consideration. The public hearing will be held on Monday, April 4, 1977, in Room 543 of the Department of Health, Education and Welfare's Region Four Office Building at 50 Seventh Street, N.E., Atlanta, Georgia, from 9:00 a.m. to 4:00 p.m. This hearing is part of the Student Financial Assistance Study Group's efforts to develop recommendations on management and administrative issues related to the student assistance programs.

*Outline of the Study.* The Student Financial Assistance Study Group has outlined, in broad terms, the following major areas to be included in the Study.

1. Introduction—Background: There will be an introduction which, from a historical base, will analyze why the current management and administrative problems exist; in the federal student aid programs and why the Student Financial Assistance Study Group was established.

2. Eligibility: This section of the study will address the process for determining eligibility to receive federal funds and to participate in the student aid programs. The study will critically review, the process for determining, maintaining, and terminating eligibility for states, institutions, students, and lenders.

3. Delivery System: The delivery system for providing financial assistance to students through the various mechanisms currently in force will also receive the attention of the Study Group. This will include the application process, panel review process, allotment of funds, packaging of aid and student budget process. The Group intends to give consideration to the timing of payment to students and to institutions; the roles of the federal central office and regional offices in the administration of the programs; the roles of the states, the educational institutions, the private sector service organizations, and the lending institutions in the administration of the programs.

4. Program Management and Integrity: The organization structure, policies, and procedures used to manage the programs to insure program integrity, coordination, and control will be the focus of this section of the Study. The Study will look at management systems in general, including communications, training, technical assistance, and data acquisition; the incentives and disincentives for program integrity; the appeal processes; the efforts to prevent and eliminate fraud and abuse; and the procedures for evaluating performance of institutions, agencies, and individuals.

*Tentative Recommendations.* The Student Financial Assistance Study Group wishes to offer for public comment the following tentative recommendations:

I. ELIGIBILITY

A. INSTITUTIONAL ELIGIBILITY

1. The Study Group recommends a two-step process in the determination



of institutional eligibility to participate in federal programs. The Study Group recommends continued reliance on the partnership between federal agencies, state agencies and approved voluntary accrediting agencies in establishing basic eligibility for educational institutions to participate in federal student financial aid programs. The foundation of basic eligibility is educational quality. Further, the Study Group recommends that a second-step, a certification that an institution is capable of managing federal funds, should be employed to insure a thorough and comprehensive approach to determining an applicant institution's ability to manage and be accountable for federal dollars.

2. The Study Group recommends that the current "Three Letter Procedure" (letters from three accredited institutions stating they will accept transfer students and credits from the institution seeking eligibility prior to accreditation) be reviewed in light of abuses that have occurred. If this alternative is still necessary, then additional controls and information sources need to be added to the procedure to provide safeguards.

3. The Study Group recommends the development of a single set of basic eligibility requirements for participation in multiple programs.

4. The Study Group recommends that common regulations be written for all student financial aid programs to the extent feasible.

5. The Study Group recommends that common terms, definitions and requirements be established for all student financial aid programs to the extent possible.

#### B. STUDENT ELIGIBILITY

1. *Definition of need:* Variations in statutory and regulatory language concerning "student financial need" should be eliminated. The Study Group recommends the development of a common definition of need for all student aid programs with the exception of the GSL "need" to determine eligibility for the interest subsidy.

2. *Definition of period of attendance for full and part-time students:* The Study Group recommends that the definition of an eligible period of attendance for SFA be standardized for SEOG, BEOG, NDSL and CWS programs, at 8 semesters or the equivalent for part-time students. The eligibility period would be extended to 10 semesters or the equivalent when the institution requires extended attendance for completion of the first postsecondary degree.

3. *Determination of cost of attendance:* The Study Group supports the need for a uniform and simple method of calculating the "cost of attendance."

4. The Study Group supports the need to revise the definition of the "self-supporting" student because of serious concerns about the possible abuse of this provision and the apparent upward trend in the number of students seeking assistance as independent students.

#### C. LENDER ELIGIBILITY

1. Before they can receive certification for participation as a lender, educational institutions and any other unregulated lenders desiring lender status should be required to substantiate their ability to provide essentially the same level of service, and accountability, as that required by regulatory agencies for financial institutions (such as banks). The Office of Education should establish standards and criteria to determine if a lender can meet the expected level of performance and to hold the lender accountable for actual operation of the loan program.

2. Educational institutions who are lenders should be required to insure that where possible a coordinated package of student financial assistance be available to students who are eligible for other forms of assistance.

3. We recommend that a system of regular on-site compliance review of lenders be established, funded and maintained by the Office of Education.

4. Financial institutions which act as lenders and who are regulated by other control agencies also need additional guidance and standards in managing student loan program portfolios. These standards are necessary because controls and restraints on other types of loan activities either are not present or are variable in the student loan market.

5. We further recommend that systems be established within all lending institutions, both regulated and unregulated types, to insure that all students be directed to investigate their eligibility for various sources of non-repayable or lower-cost loan aid prior to the processing of a Guaranteed Student Loan.

6. All students applying for a Guaranteed Student Loan should experience a mandatory counseling session with a lending officer regarding the nature of the student loan obligation and repayment responsibilities.

7. Evidence and statistics support the fact that state agencies have had more favorable experience in loan collection and in maintaining low loan default rates. It is recommended that an evaluation be made to determine what practices have made this possible, and where possible, encourage following similar action in all cases.

8. Efforts should be made to encourage state participation in the GSL program. If training and technical assistance are needed, they should be provided by the Office of Education.

9. The Office of Education should hold workshops and meetings on the responsibilities of the education institution that is not a lender under the GSLP. This could be done in conjunction with meetings scheduled for other SFA programs.

10. The Office of Education program and compliance reviews for other SFA programs should include the GSLP program in the scope of the review.

11. Under the Escrow System, the initial lender would make the total loan commitment and disburse the total pro-

ceeds to the Escrow Agent who in turn would make the multiple disbursements to the student borrower (through a check made jointly payable to the student borrower and the educational institution.) In this case, the lender receives the interest and special allowance on the full loan amount and the escrow agent is "compensated" for handling the multiple disbursements by permitting the holding of the "float" (capital funds in excess of that required to be disbursed) and using this for other investment purposes or capital needs. It is recommended that the initial lender be given the opportunity to make the multiple disbursement and retain use of the float if so desired. It is recommended that this proposal be given a trial before moving to the full implementation of the Escrow Agent concept now being pilot tested.

12. It is recommended that each participating institution be asked to submit a single fiscal and program operation report annually for all SFA programs for which they are responsible.

13. It is recommended that the State be given responsibility for certifying and reviewing educational institutions that become approved lenders under the State guarantee program. (Based on national guidelines and regulations developed by the Office of Education.)

#### II. DELIVERY SYSTEMS

##### A. STUDENT APPLICATION

1. The Guaranteed Student Loan Program should consolidate the three student application forms for the Federally Insured Student Loan Program before the application cycle for the 1977-78 school year.

2. The Study Group recommends the adoption of a system which would make it possible for a student to supply family financial data only once each year in order to have his family's financial strength analyzed.

3. We recommend that the Office of Education, the private services and the State Agencies proceed with all practical speed to identify the data elements which would permit such a common financial aid data collection system to operate and that they develop the procedures necessary to assure timely and accurate transmission of data to the Basic Grants processor. We believe it is practical to seek full implementation of this system for academic year 1978-79.

4. The common financial aid data system should include coordinated data validation activities. Such a process should have the goal of improving program integrity and reducing fraud and abuse. Where the Office of Education, the private systems or the State Agencies have unique opportunities to verify the data supplied by students, the parties to such a system should pursue these opportunities and advise each other of the extent to which data has been validated.

5. Only verifiable year-end data on parental financial resources should be used for final assignment of federal



funds; therefore, the distribution of student applications by Basic Grant, State and private national processors should not begin before January 1. However, special efforts on the part of colleges that wish to advise families of the students' probable financial aid eligibility in connection with an early admissions process would not be inconsistent with the January 1 application availability date as long as only completed-year data are used for the final assignment of federal funds.

The Student Financial Assistance Study Group plans to hold an additional public hearing to receive comments on those tentative recommendations which will be developed to address the remaining Delivery System and Program Management issues. Those recommendations will be published in a later issue of the *FEDERAL REGISTER*.

Dr. John A. Perkins, Chairman of the Student Financial Assistance Study Group, will preside at the hearing. Persons wishing to testify should submit their requests in writing to: Mrs. Mary Jane Calais, Staff Director, Student Financial Assistance Study Group, Room 325H, South Portal Building, 200 Independence Avenue SW., Washington, D.C. 20201, telephone (202) 245-9855.

Requests to testify should reach Mrs. Calais not later than March 24, 1977. Persons wishing to present written statements for the record are encouraged to do so. Such written statements should be received by the Student Financial Assistance Study Group not later than March 24, 1977.

The hearing will be open for public observation.

Pursuant to Public Law 92-463, notice is also hereby given of a meeting of the Student Financial Assistance Study Group to be held on Tuesday and Wednesday, April 5 and 6, 1977, from 8 a.m. until 4:30 p.m. each day, in Room #543 of the HEW Region IV Office Building, 50 Seventh Street NE., Atlanta, Georgia.

The meeting will be used to review and discuss available information, to plan for future study activities, and to make staff work assignments. Members of the public are invited to attend the meeting; but due to limited meeting accommodations, reservations are recommended. Persons wishing to attend should notify the Study Group Staff Director by mail at Room 325H, 200 Independence Avenue SW., Washington, D.C. 20201, or by telephone at (202) 245-9855.

MARY JANE CALAIS,  
Staff Director, Student  
Financial Assistance Study Group.

MARCH 11, 1977.

[FR Doc. 77-7910 Filed 3-16-77; 8:45 am]

Office of Human Development  
ONAP URBAN INDIAN PROGRAM  
Documenting In-City Indian Population  
Counts

Notice is hereby given by the Office of Native American Programs (ONAP) that

any interested party may provide that Office with documentation of an in-city Indian population of 1,000 or more. This documentation is necessary in order to identify, for the ONAP Urban Grant Program, potential service areas in which there is not currently an ONAP Indian grantee. Interested parties wishing to document in-city Indian populations should submit relevant materials to ONAP by May 2, 1977.

During Fiscal Year 1977 ONAP will award grants to Urban Indian Centers which have not heretofore received funds pursuant to the Native American Programs Act of 1974 (Title VIII of Pub. L. 93-644). The purpose of such grants will be to promote economic and social self-sufficiency of Indians. In order for an Urban Indian Center to compete for such an award it must demonstrate that it serves an area which includes a previously documented in-city Indian population of 1,000 or more approved by ONAP. Moreover, the Center must compete successfully with other applicants in accordance with criteria to be specified under the Urban Indian Grant Program Announcement. That Program Announcement, which will be published in the *FEDERAL REGISTER*, will list cities with documented in-city populations of 1,000 or more and will invite Urban Indian Centers which serve those populations to compete for a grant award. The number of grants awarded and the funding level of such grants will be subject to the availability of ONAP dollars for this effort.

1. *Documentable populations.* An Urban Indian Center must serve an area which includes a documented in-city Indian population of 1,000 or more. For purposes of ONAP's overall Urban Indian Program the term "in-city" refers to the central part of an urban area which functions as a political unit, is recognized by the State, has a population of 30,000 or more and has defined geographic boundaries. This geographic delineation should not be confused with a Standard Metropolitan Statistical Area (SMSA) which is generally larger. For ONAP's purposes all persons specified in a population count must actually reside within the city limits.

Population documentation should only be submitted for cities: a. in which there is no current ONAP urban grantee; and b. which do not fall within a Bureau of Indian Affairs service area.

2. *Documentation materials.* Any interested party who wishes to respond to this Notice should submit at least the following materials in relation to its documentation of an in-city Indian population of 1,000 or more:

a. Name of the city  
b. A description of the enumeration methodology; including:

1. Time-frame of the enumeration;  
2. Source(s) of information;  
3. Procedures used to obtain population counts; and

4. Written assurance that there is no duplication of persons in the enumeration process, and that enumerations include only population residing within the city limits.

3. *Methods for ascertaining population counts.* Respondents may use any reasonable method available to them in order to document population counts. However, the following approaches are suggested:

a. Census data or other enumerations of an in-city Indian population count published by or otherwise available from any Federal, State or local government source.

b. An enumeration obtained by conducting a special census of the in-city Indian population. In addition to the methodology requirements stated in preceding paragraphs, population counts obtained by this method must be accompanied by information describing procedures for the following:

1. Enumeration and interviewing of Indian persons;

2. Verification of in-city residency; and

3. Assuring non-duplication in enumerations.

4. *Cities not needing to respond.* Since ONAP funds only one Urban Indian Center per city, documentation need not be submitted for those cities currently served by an ONAP grantee. In addition, ONAP already has on file data which document in-city Indian population counts of 1,000 or more for the following three cities in which there is not currently an ONAP grantee: Duluth, Minnesota; Houston, Texas; and Honolulu, Hawaii. No further information regarding these cities is therefore required. Also, documentation for Ventura, California and Sioux City, Iowa has been submitted and is pending ONAP approval. Although ONAP may require certain clarifications and additional explanatory information regarding such documentation, no further population counts need be submitted pursuant to this Notice for the two cities noted above.

5. *Submission of documents.* All documentation regarding population counts which is submitted pursuant to this Notice should be addressed to Director, Office of Native American Programs, Room 357-G, South Portal Building, 200 Independence Avenue, S.W., Washington, D.C. 20201. Material should be received by ONAP by May 2, 1977. Those submissions received subsequent to May 2, 1977 will be retained for consideration in future funding cycles.

Each submission will receive an individual reply approving, rejecting or requesting clarification of the documentation. A list of cities for which documentation is approved will be published in the forthcoming Program Announcement.

(Catalog of Federal Domestic Assistance: Number 13.612.)

Dated: March 11, 1977.

DOMINIC MASTRAPASQUA,  
Acting Director,  
Office of Native American Programs.

Dated: March 11, 1977.

JULIA VADALA TAFT,  
Acting Assistant Secretary  
for Human Development.

[FR Doc. 77-7843 Filed 3-16-77; 8:45 am]



Public Health Service  
HEALTH SERVICES ADMINISTRATION  
Statement of Organization, Functions, and  
Delegations of Authority

Part 3, Health Services Administration, in the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare (39 FR 10466, March 20, 1974 as amended by 40 FR 8848, March 3, 1975 and 40 FR 53052, November 14, 1975 is amended to reflect the establishment of the Program Office for Rural Health (HSP19) in the Bureau of Community Health Services (HSP). The functional statement for the various Program Offices in the Bureau of Community Health Services is republished to reflect previously approved organizational changes.

Section 3-B Organization and Functions is amended by replacing the current statement for the Bureau of Community Health Services' Program Offices with the following statement:

Program Office for National Health Service Corps (HSP14);  
Program Office for Maternal and Child Health (HSP15);  
Program Office for Family Planning (HSP16);  
Program Office for Migrant Health (HSP17);  
Program Office for Community Health Centers (HSP18);  
Program Office for Rural Health (HSP19).

Under the direction of an Associate Bureau Director who is a member of the Bureau Director's immediate staff: (1) Carriers out the Bureau of Community Health Services (BCHS) nationwide role in efforts to improve the organization and delivery of health services by serving as both the advocate and point of accountability for the specific categorical programs; (2) provides leadership and direction for legislative activities in the program area, including both the development of proposals and plans and the interpretation of enacted legislation and reports; (3) within broad Department of Health, Education, and Welfare and Public Health Service policy and guidelines, develops and establishes policies for such national programs and develops long- and short range program goals and objectives; (4) is accountable for the administration of funds and other resources for grants, contracts, and technical assistance, utilizing the full resources of the Bureau in fulfilling the program's mission and responsibilities; (5) tracks BCHS and Regional Office activities in program matters to insure that delegated responsibilities are being carried out, including direct and indirect communications, Regional Office conferences and field visits as warranted; (6) coordinates the development of, and establishes regulations, guidelines, and standards for professional services, and for the effective organization and administration of health programs, and the improvement of health services and staff development specific to the program of concern; (7) interprets policies, regula-

tions, guidelines, standards, and priorities to higher echelons, within the Public Health Service, to Regional Offices, grantee agencies, institutions and organizations; (8) provides coordination with other programs providing health services including voluntary, official, and other community agencies; (9) establishes and provides liaison in program matters with other programs within BCHS and the Health Services Administration, within the Public Health Service, with the Department and with other Federal agencies, consumer groups and national organizations concerned with health matters, and through the Regional Offices, with State and local government.

Dated: March 8, 1977.

THOMAS S. MCFEE,  
Acting Assistant Secretary for  
Administration and Management.

[FR Doc.77-7908 Filed 3-16-77; 8:45 am]

NATIONAL INSTITUTES OF HEALTH  
Statement of Organization, Functions,  
and Delegations of Authority

Part 8 (National Institutes of Health) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare (40 FR 22859, May 27, 1975, as amended, 41 FR 1310, 41 FR 9241, 41 FR 26246, 41 FR 29010) is amended to reflect a revision of program-level organizations within the National Institute of Allergy and Infectious Diseases (8J) as follows: (1) the establishment of the Microbiology and Infectious Diseases Program (8J14), the Immunology, Allergic, and Immunologic Diseases Program (8J15), and the Extramural Activities Program (8J16); (2) the abolishment of the Extramural Program (8J12) and the Collaborative Program (8J13).

Section 8B, Organization and Functions, is amended as follows:

Under National Institute of Allergy and Infectious Diseases (8J):

(1) Delete the statements for Extramural Program (8J12) and Collaborative Program (8J13);

(2) Insert the following statements after the statement for Intramural Research Program (8J10):

MICROBIOLOGY AND INFECTIOUS DISEASES  
PROGRAM (8J14)

(1) Plans and directs a program of research grants and contracts in microbiology and infectious diseases to insure maximum utilization of available resources to attain program objectives; (2) determines program priorities and recommends funding levels within the program area; (3) prepares analyses of national needs and research efforts to assist advisory groups in recommending new and/or continuing program emphases; (4) maintains surveillance over developments in designated program areas and assesses need for research into the causes, diagnosis, prevention, and treatment of infectious diseases and for training related thereto; (5) consults with voluntary and professional health organizations in identifying and meeting research needs in microbiology and infectious diseases; (6) coordinates the Institute's program in these areas with those of other government agencies and other institutes of the National Institutes of Health.

IMMUNOLOGY, ALLERGIC AND IMMUNOLOGIC  
DISEASES PROGRAM (8J15)

(1) Plans and directs a program of research grants and contracts in immunology and allergic and immunologic diseases to insure maximum utilization of available resources to attain program objectives; (2) determines program priorities and recommends funding levels within the program area; (3) prepares analyses of national needs and research efforts to assist advisory groups in recommending new and/or continuing program emphases; (4) maintains surveillance over developments in designated program areas and assesses need for research into the causes, diagnosis, prevention, and treatment of allergic and immunologic diseases and for training related thereto; (5) consults with voluntary and professional health organizations in identifying and meeting research needs in immunologic and allergic and immunologic diseases; (6) coordinates the Institute's program in these areas with those of other government agencies and other institutes of the National Institutes of Health.

EXTRAMURAL ACTIVITIES PROGRAM (8J16)

(1) Plans and directs a program for the development, production, and distribution to contractors, grantees, and other qualified researchers of research reagents, typing sera; and other research resources unavailable in the open market and necessary for the conduct of research in the program areas of the Institute; (2) plans and directs a program for the development of research manpower in areas of interest to the Institute; (3) provides initial scientific merit review of program project grants and research contracts for the Institute, prepares for final scientific and programmatic review by the National Advisory Council, and coordinates Council activities; (4) advises the Institute director on research contract, grant, and training program policy; (5) represents the Institute on overall NIH extramural and collaborative program policy committees, coordinates such policy within the Institute, and with other NIH institutes; (6) provides all of the Institute programs with grant and contract management and processing services and manages the scientific review committees and the National Advisory Allergy and Infectious Diseases Council; (7) provides central management and control over research grant, training, and contract funds, and prepares and issues awarding documents and encumbrance documents for all Institute extramural programs; (8) provides reports, analyses, and evaluations related to the Institute's grant and training programs.

Dated: March 8, 1977.

THOMAS S. MCFEE,  
Acting Assistant Secretary  
for Administration and Management.

[FR Doc.77-7909 Filed 3-16-77; 8:45 am]

DEPARTMENT OF HOUSING AND  
URBAN DEVELOPMENT

Office of the Secretary

[Docket No. N-77-692]

ANNUAL REVIEW OF FEDERAL  
ADVISORY COMMITTEES

Invitation for Public Comment

AGENCY: Department of Housing and Urban Development.

ACTION: Notice Requesting Public Comment.

SUMMARY: The Office of Organization and Management Information, Assist-



ant Secretary for Administration has been assigned the duty of reviewing the functions and effectiveness of HUD-chartered federal advisory committees in accordance with the Federal Advisory Committee Act, PL 92-463. As part of the review process, public comment is invited, and will be considered in the formulation of HUD's recommendations for continuation or termination of the following committees:

1. National Insurance Development Program Advisory Board, and
2. National Mobile Home Advisory Council.

**DATES:** Written public comments should be submitted by March 31, 1977 to the Rules Docket Clerk.

**ADDRESS:** Rules Docket Clerk, Room 10141, Department of Housing and Urban Development, 451-7th Street, S.W., Washington, D.C. 20410.

**FOR ADDITIONAL INFORMATION CONTACT:**

Donald McLain, Office of Organization and Management Information (202) 755-5333.

**SUPPLEMENTARY INFORMATION:** The recommendations in the annual review will be based on the following factors:

- (1) The number of times the committee has met in the past year and the relevance of that number to its continuation.
- (2) The number of reports submitted by the committee in the past year.
- (3) A description of how the committee's reports, recommendations, or advice have been used in agency policy formulation, program planning, decisionmaking, achieving economies, etc.
- (4) An explanation of why the recommendations or information cannot be obtained from other sources, elsewhere within the agency, from other agencies or existing committees, public hearings, consultants, etc.
- (5) An explanation of any degree of duplication of functions, purpose, etc., with other committees, or within the agency, or with other agencies.
- (6) The relationship of the cost of the committee to the reports, recommendations, or information provided.
- (7) In consideration of (a) the functions to be performed and (b) the points of view to be represented, specifically how the membership is balanced—the views, areas of expertise, etc., included.

The public is invited to comment on these, or any other relevant factors for consideration in the final recommendations.

Issued at Washington, D.C., March 11, 1977.

VINCENT J. HEARING,  
Deputy Assistant Secretary  
for Administration.

[FR Doc.77-7999 Filed 3-16-77; 8:45 am]

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management GRAZING FEE TASK FORCE

#### Charter and Request for Comments and Announcement of One Additional Public Meeting

Under section 401(a) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1751), the Bureau of Land Management and the Forest Service have established a task force to study fees for grazing livestock on the Federal lands under their administration, prepare a report, and make recommendations on the fees.

A notice of the establishment of the task force was published in the FEDERAL REGISTER on Friday, February 4, 1977, on pages 6980 through 6989. The notice included, on page 6980, an announcement of the time, date, and location of seven public meetings where interested persons are invited to appear and make comments, statements, suggestions, and recommendations on the subject of grazing fees. These are as follows:

Time: 9:30 a.m. to 3:00 p.m. (all meetings).

Place	Date
Rapid City, S. Dak. ....	Mar. 7, 1977
Missoula, Mont. ....	Mar. 9, 1977
Boise, Idaho. ....	Mar. 11, 1977
Reno, Nev. ....	Mar. 14, 1977
Denver, Colo. ....	Mar. 16, 1977
Albuquerque, N. Mex. ....	Mar. 18, 1977
Washington, D.C. ....	Mar. 23, 1977

This notice is supplemental to the notice of February 4, 1977, and announces one additional public meeting, with the same subject of discussion, to be held from 9:30 a.m. to 3:00 p.m. in Casper, Wyoming, on April 8, 1977. The location of the meeting is the Crawford Room, Natrona County Library, 307 East 2nd Street, Casper, Wyoming.

Additional information about meeting locations may be obtained from the Bureau of Land Management or Forest Service offices in the cities listed above.

Dated: March 11, 1977.

JOHN R. MCGUIRE,  
Chief, Forest Service.

CURT BERKLUND,  
Director, Bureau of  
Land Management.

[FR Doc.77-7840 Filed 3-16-77; 8:45 am]

[NM 29881]

### NEW MEXICO

#### Application

MARCH 10, 1977.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Hanson Oil Corporation has applied for one 3-inch and two 2-inch salt water disposal pipelines and plant site right-of-way across the following land:

### NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 25 S., R. 26 E.,  
Sec. 11, E $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 12, SW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 13, W $\frac{1}{2}$ NW $\frac{1}{4}$  and SE $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
Sec. 14, NE $\frac{1}{4}$ NE $\frac{1}{4}$ .

The pipelines and plant site will be used for disposal of salt water from producing wells and will cross 1.272 miles and 0.517 acres of national resource land in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

FRED E. PADILLA,  
Chief, Branch of Lands and  
Minerals Operations.

[FR Doc.77-7887 Filed 3-16-77; 8:45 am]

[Wyoming 58420]

### WYOMING

#### Application

MARCH 8, 1977.

Notice is hereby given that pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), Colorado Interstate Gas Company of Colorado Springs, Colorado filed an application for a right-of-way to construct 6 $\frac{3}{8}$ , 8 $\frac{3}{8}$ , and 10 $\frac{3}{8}$  inch pipelines, 4 inch vent line, one inch fuel gas line, an electric control cable, and a 10 inch "pig" launcher for the purpose of transporting "sour" natural gas across the following described National Resource Lands:

### SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 18 N., R. 98 W.,  
Sec. 2, lot 6, SW $\frac{1}{4}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SW $\frac{1}{4}$ , and NW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 10 SE $\frac{1}{4}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ SE $\frac{1}{4}$ , and SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 22, NW $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
T. 19 N., R. 98 W.,  
Sec. 26, W $\frac{1}{2}$ E $\frac{1}{2}$ .

The pipelines will transport "sour" natural gas from the Texaco Tru No. 21 Well in sec. 10, T. 18 N., R. 98 W., to a point of connection with Colorado Interstate Gas Company's Desert Springs F144 Line in sec. 10, T. 18 N., R. 98 W., and from a point in sec. 21, T. 18 N., R. 98 W., to a point in sec. 2, T. 18 N., R. 98 W., Sweetwater County, Wyoming. The related facilities are to be utilized in the operation and maintenance of the gas pipelines.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to



the District Manager, Bureau of Land Management, Highway 187 North, P.O. Box 1869, Rock Springs, Wyoming 82901.

HAROLD G. STINCHCOMB,  
Chief, Branch of Lands and  
Minerals Operations.

[FR Doc.77-7888 Filed 3-16-77;8:45 am]

[Wyoming 58466]

#### WYOMING

#### Application

MARCH 8, 1977.

Notice is hereby given that pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Belle Fourche Pipeline Co. of Casper, Wyoming filed an application for a right-of-way to construct a 6 inch pipeline for the purpose of transporting crude oil across the following described National Resource Lands:

#### SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 52 N., R. 69 W.  
Sec. 26, S $\frac{1}{2}$  SE $\frac{1}{4}$ ;  
Sec. 35, NE $\frac{1}{4}$  NE $\frac{1}{4}$

The pipeline will transport crude oil from wells in sections 26 and 35, T. 52 N., R. 69 W., to present facilities in section 25, T. 52 N., R. 69 W. in Campbell County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, Union and Overland Blvd., P.O. Box 2834, Casper, Wyoming 82601.

HAROLD G. STINCHCOMB,  
Chief, Branch of Lands  
and Minerals Operations.

[FR Doc.77-7889 Filed 3-16-77;8:45 am]

#### Fish and Wildlife Service

#### WILLIAM BROTHERS ENGINEERING CO.

#### Application

Notice is hereby given that under section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 6, 1973 (87 Stat. 576) William Brothers Engineering Company, as agent for the Dome Pipeline Corporation has applied for a 12 $\frac{3}{4}$  inch and a 10 $\frac{3}{4}$  inch light hydrocarbon liquid pipeline right-of-way that will cross the following lands:

T. 125 N., R. 43 W., 5th P.M.,  
Sec. 17, SW $\frac{1}{4}$  SW $\frac{1}{4}$ .

The pipeline will convey light hydrocarbon liquids across 33 feet of an access road to a Stevens Waterfowl Production Area, Stevens County, Minnesota.

The purpose of this notice is to inform the public that the United States Fish and Wildlife Service will be proceeding with the consideration of whether the

application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should do so on or before April 18, 1977 and send their name and address to the Regional Director, U.S. Fish and Wildlife Service, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111.

WILLIAM E. MARTIN,  
Fish and Wildlife Service.

[FR Doc.77-7890 Filed 3-16-77;8:45 am]

#### Geological Survey

[Rev. Standard GSS-OCS-1]

#### OUTER CONTINENTAL SHELF OIL AND GAS OPERATIONS

#### Safety Requirements for Drilling Operations in Hydrogen Sulfide Environment

Notice is hereby given that, pursuant to 30 CFR 250.11, the Acting Chief, Conservation Division, U.S. Geological Survey, has approved amendments to U.S. Geological Survey Outer Continental Shelf (OCS) Standard GSS-OCS-1, "Safety Requirements for Drilling Operations in a Hydrogen Sulfide Environment," First Edition, February 1976.

The purpose of amending Standard GSS-OCS-1 is to cite the latest revisions to the documents referenced in subparagraphs 3.1, 3.3, 3.4, and 3.5 and to provide that all subsequent revisions to any referenced documents, when approved by the Chief, Conservation Division, become requirements of this Standard. Therefore, the second sentence of paragraph 3 was changed accordingly. The third sentence of paragraph 5.5.8 was changed to reference the entire Section 8 of the Seventh Edition of API RP 7G rather than the original sentence which referenced three subparagraphs of Section 8.

The revised paragraphs are set forth below with the modification indicated in italics.

Copies of "Revised Insert Pages," which are designed for insertion as replacement pages for the First Edition, are available from the following Conservation Managers:

Conservation Manager, Gulf of Mexico OCS Operations, U.S. Geological Survey, P.O. Box 7944, Metairie, Louisiana 70011.

Conservation Manager, Eastern Region, U.S. Geological Survey, 1825 K Street, N.W., Washington, D.C. 20006.

Conservation Manager, Western Region, U.S. Geological Survey, 345 Middlefield Road, Menlo Park, California 94025.

The Second Edition of the Standard will not be issued until sufficient amendments have been issued to justify a complete printing of the document.

Since the amendments are minor and do not change the intent or scope of the Standard, the Geological Survey is not requesting comments on the revisions.

NOTE: The Geological Survey has determined that this document does not contain a major proposal requiring preparation of an Inflationary Impact Statement under Executive Order 11821 and OMB Circular A-107.

W. A. RADLINSKI,  
Acting Director.

AMENDMENTS TO U.S. GEOLOGICAL SURVEY  
STANDARD GSS-OCS-1, FIRST EDITION,  
FEBRUARY 1976

#### 3. APPLICABLE DOCUMENTS

The following documents are referenced either directly in this Standard or indirectly by cross reference. As applicable and referenced, these documents, including subsequent revisions when approved by the Chief, Conservation Division, become requirements of GSS-OCS-1.

3.1 American Petroleum Institute (API) Documents.

API RP 49 Recommended Practices for Safe Drilling of Wells Containing Hydrogen Sulfide, First Edition, September 1974.

API RP 7G Recommended Practices for Drill Stem Design and Operating Limits, Section 8, "Drill Stem Corrosion and Sulfide Stress Cracking," Seventh Edition, April 1976.

3.3 Federal Specifications.

BB-A-1034a Air, Compressed, for Breathing Purposes, June 21, 1968, and Amendment 1 dated December 15, 1970.

GG-B-00875D Federal Specification Breathing Apparatus, Self-Contained, September 23, 1976.

3.4 American National Standards Institute Standards.

Z 88.2-1969 Respiratory Protection

Z 48.1-1954 (R 1971), Method of Marking Portable Compressed Gas Containers to Identify the Material Contained

3.5 Compressed Gas Association, Commodity Specification for Air (Grade), G-7.1-1973, August 1973.

5.5.8 Drill String Precautions. Precautions shall be taken to minimize drill string stresses caused by conditions such as excessive dogleg severity, improper stiffness ratios, improper torque, whip, abrasive wear on tool joints, and joint imbalance. American Petroleum Institute Recommended Practice for Drill Stem Design and Operating Limits (API RP 7G, Seventh Edition, April 1976) shall be used as a guide for drill string precautions. Section 8, "Drill Stem Corrosion and Sulfide Stress Cracking," is applicable and is adopted as a requirement of this Standard. Tool-joint compounds containing free sulphur shall not be used. Proper handling techniques shall be employed to minimize notching, stress concentrations, and possible drill pipe failures.

RUSSELL G. WAYLAND,  
Acting Chief,  
Conservation Division.

[FR Doc.77-7895 Filed 3-16-77;8:45 am]

#### PACIFIC AND THE GULF OF MEXICO AREAS

#### Revision of Outer Continental Shelf Order No. 11; Extension of Comment Period

Comment period is extended to May 1, 1977, for revision of Outer Continental Shelf (OCS) Order No. 11.

Several requests have been received to extend the March 1, 1977, due date for written comments on proposed revisions to OCS Order No. 11, Pacific and Gulf of Mexico Areas, as published in the FEDERAL REGISTER on February 9, 1977 (Vol. 42, No. 27, FR 8232).

In consideration of these requests and the relatively short comment period of the original Notice, the Geological Survey hereby extends the comment period to May 1, 1977.

W. A. RADLINSKI,  
Acting Director.

[FR Doc.77-7815 Filed 3-16-77;8:45 am]



**National Park Service  
GLEN CANYON NATIONAL RECREATION  
AREA, MINING PLAN OF OPERATION**

**Availability**

Notice is hereby given that pursuant to the provisions of section 2 of the Act of September 28, 1976, 16 U.S.C. 1901 et seq., and in accordance with the provisions of § 9.17 of 36 CFR Part 9, Century XXI Mining, Inc., has filed a plan of operations in support of proposed mining activities on lands embraced by mining claim locations within the Glen Canyon National Recreation Area. This plan is available for public inspection during normal business hours at the Glen Canyon National Recreation Area Headquarters, 333 North Navajo, Page, Arizona.

Dated: February 11, 1977.

**JOE L. KENNEDY,**  
*Acting Superintendent, Glen  
Canyon National Recreation Area.*

[FR Doc. 77-7900 Filed 3-16-77; 8:45 am]

**Office of the Secretary  
ADVISORY COMMITTEES**

**Review**

The Department of the Interior is currently undertaking a review of each advisory committee, as requested by the President, to determine:

- (a) Whether such committee is carrying out its purpose;
- (b) Whether, consistent with the provisions of applicable statutes, the responsibilities assigned to it should be revised;
- (c) Whether it should be merged with other advisory committees; or
- (d) Whether it should be abolished.

A list of those advisory committees administered by the Department of the Interior and a brief description of each is provided below.

We invite public comments and recommendations with regard to the continuation, termination, merger or revision of responsibilities of these advisory committees. Comments should be addressed to the Secretary, c/o the Department Committee Management Officer, Department of the Interior, Washington, D.C. 20240, and should be received no later than April 8, 1977.

**ADVISORY BOARD ON NATIONAL PARKS,  
HISTORIC SITES, BUILDINGS AND MONUMENTS**

To advise the Secretary on matters relating to National Parks and to the administration of the Historic Sites Act. It may also recommend policies for the selection of new areas to be administered by the National Park Service and for the restoration, conservation and general administration of historic and archeologic sites, buildings and properties.

**ADVISORY BOARD ON THE SAN JOSE MISSION  
NATIONAL HISTORIC SITE**

To advise the Secretary on any matters relating to the preservation and use

of the San Jose Mission, San Antonio, Texas, as a National Historic Site. Established by Cooperative Agreement on May 8, 1941.

**ADVISORY COMMITTEE ON COAL MINE  
SAFETY RESEARCH**

To consult with and make recommendations to the Secretary of the Interior on matters involving or relating to coal mine safety research. The Secretary shall consult with, and consider the recommendations of, such committee in the conduct of such research.

**ADVISORY COMMITTEE ON WATER DATA FOR  
PUBLIC USE**

The Committee represents the interests of the non-Federal community in water data acquisition by furnishing information on data needs, advising on proposed plans, policies and procedures related to data programs, and reviewing proposed activities pursuant to implementing OMB Circular A-67, "Coordination of Federal Activities in the Acquisition of Certain Water Data."

**APPALACHIAN NATIONAL SCENIC TRAIL  
ADVISORY COUNCIL**

The Secretary is required to consult with this advisory council with respect to matters relating to the Appalachian Trail, including the selection of rights-of-way, standards for the erection and maintenance of markers along the trail, and the administration of the trail.

**ARCHEOLOGICAL ADVISORY BOARD**

The Board provides independent advice and assistance to Government agencies, through the interagency archeological program administered by the National Park Service, in order to provide an effective program for the salvage of archeological remains threatened with loss by reason of Federal programs and activities.

**BONNEVILLE REGIONAL ADVISORY COUNCIL**

The Council is responsible for discussing and bringing to the attention of the Bonneville Power Administrator the views of its members on matters pertinent to BPA programs. The broad, balanced cross-section of regional interests, occupations, and points of view represented on the Council enables the members to provide the Administrator with important information which he may use in formulating BPA programs. The Council does not pass formal resolutions as such but does serve as a general forum where members express their opinions regarding the program and operations of the Bonneville Power Administration.

**BOSTON NATIONAL HISTORICAL PARK  
ADVISORY COMMISSION**

The Secretary of the Interior, or his designee, consults with the Commission from time to time, but at least semi-annually, with respect to matters relating to the development of the Boston National Historical Park.

**CALIFORNIA DESERT CONSERVATION AREA  
ADVISORY COMMITTEE**

Advises the Secretary of the Interior, through the Bureau of Land Management, with respect to preparation and implementation of the comprehensive, long-range plan for the California Desert Conservation Area.

**CANAVERAL NATIONAL SEASHORE ADVISORY  
COMMISSION**

To consult with and advise the Secretary of the Interior on all matters of planning, development, and operation of the Canaveral National Seashore, and to provide such other advice and assistance as may be useful in carrying out the purposes of Public Law 93-626.

**CAPE COD NATIONAL SEASHORE ADVISORY  
COMMISSION**

To advise the Secretary of the Interior on matters relating to the development of Cape Cod National Seashore and on matters relating to zoning within the Seashore. Established by Public Law 87-126 on January 8, 1962.

**CHESAPEAKE AND OHIO CANAL NATIONAL  
HISTORICAL PARK COMMISSION**

The Secretary, or his designee, meets from time to time, but at least annually, with the Commission on general policies and specific matters related to the administration and development of the Chesapeake and Ohio Canal National Historical Park.

**COLORADO RIVER BASIN SALINITY CONTROL  
ADVISORY COUNCIL**

Reviews and comments on reports on the Colorado River Salinity Control Program; recommends appropriate studies of projects, techniques or methods to control salinity of water in the Colorado River upstream of Imperial Dam; and consults with the Secretary of the Interior in the allocation of costs for the construction, operation and maintenance of salinity control units.

**COMMITTEE FOR THE PRESERVATION OF THE  
WHITE HOUSE**

To advise the President of the United States and the Director of the National Park Service in regard to the maintenance of the White House as a public monument. The Committee makes recommendations concerning articles of furniture, fixtures, and decorative objects for the public rooms best suited to enhance the historic and artistic values of the White House.

**COMMITTEE ON MINORITY PARTICIPATION  
IN EARTH SCIENCE AND MINERAL EN-  
GINEERING**

To provide advice on the policies and procedures of the Bureau of Mines and the Geological Survey in carrying out programs for attaining the minority personnel goals established for the Executive Branch by the President and for the Department of the Interior by the Secretary.



**CONSULTING COMMITTEE FOR THE NATIONAL SURVEY OF HISTORIC SITES AND BUILDINGS**

Composed of professional historians, archeologists and architects, the Committee provides liaison with organizations directly concerned with historic preservation, reviews studies prepared by the survey, aids in the evaluation of sites and otherwise acts in an advisory capacity to the National Park Service.

**CUYAHOGA VALLEY NATIONAL RECREATION AREA ADVISORY COMMISSION**

The Secretary of the Interior, or his designee, meets and consults with the Commission from time to time, but at least semi-annually, on matters relating to the development of the Cuyahoga Valley National Recreation Area.

**EARTHQUAKE STUDIES ADVISORY PANEL**

To review program objectives related to earthquake studies and to formulate recommendations for a national program of earthquake research—one that will be viable both for the public and private sectors.

**EMERGENCY ADVISORY COMMITTEE FOR NATURAL GAS**

To advise, inform and make recommendations to the Secretary of the Interior with respect to any matters relating to natural gas or the natural gas industry submitted to it by, or with the approval of, the Secretary. Requests to the Committee derive from the Secretary's responsibilities with respect to emergency preparedness assignments contained in Executive Order 11490.

**FEDERAL METAL AND NONMETAL MINE SAFETY ADVISORY COMMITTEE**

Assists the Secretary in the development of health and safety standards and to advise him on other matters relating to health and safety in mines which are subject to the Federal Metal and Non-metallic Mine Safety Act.

**GATEWAY NATIONAL RECREATION AREA ADVISORY COMMISSION**

The purpose of the Commission is to consult with the Secretary of the Interior, or his designee, with respect to matters relating to the development of the Gateway National Recreation Area.

**GOLDEN GATE NATIONAL RECREATION AREA ADVISORY COMMISSION**

The purpose of the Commission is to consult with the Secretary of the Interior, or his designee, on general policies and specific matters related to planning, administration, and development affecting the Golden Gate National Recreation Area, and other units of the National Park System in Marin and San Francisco Counties.

**GULF ISLANDS NATIONAL SEASHORE ADVISORY COMMISSION**

The Secretary, or his designee, consults from time to time with the Commission with respect to matters relating to the development of the Gulf Islands National Seashore.

**HISTORIC AMERICAN BUILDINGS SURVEY ADVISORY BOARD**

To advise the National Park Service, the Library of Congress, and the American Institute of Architects concerning policy matters related to the task of preserving records of the historic and architectural monuments of America.

**HISTORIC AMERICAN ENGINEERING RECORD ADVISORY COMMITTEE**

This Committee was established by cooperative agreement between the National Park Service, the Library of Congress, and the American Society of Civil Engineers on January 10, 1969. The Committee advises on a program for the identification and recording of historic American engineering sites, buildings, objects and antiquities, paralleling the Historic American Building Survey.

**HOT SPRINGS NATIONAL PARK EXAMINING BOARD FOR TECHNICIANS**

Prescribes administrative requirements for registration and recommends to the Superintendent the granting of certificates to technicians employed at the park.

**HOT SPRINGS NATIONAL PARK REGISTRATION BOARD**

To advise the Secretary concerning the use of waters of Hot Springs National Park and to examine and approve, in proper cases, applicants for registration.

**INDIANA DUNES NATIONAL LAKESHORE ADVISORY COMMISSION**

To advise the Secretary, or his designee, with respect to matters relating to the development of the Indiana Dunes National Lakeshore.

**INDUSTRY ADVISORY COMMITTEE TO THE DEFENSE ELECTRIC POWER ADMINISTRATION**

To assure proper coordination between industry and the Federal Government, through consultation and advice to the Secretary of the Interior and to the Administrator of the Defense Electric Power Administration, on matters concerning the electric power industry in emergency planning for natural disasters and the national defense on a continuing basis. Established by the Secretary on April 21, 1966.

**INTERIOR COAL ADVISORY COMMITTEE**

To advise the Secretary of the Interior and to recommend positions for policy formation and implementation leading to increase the domestic production and use of coal, consistent with national energy, economic and environmental goals.

**NATIONAL ADVISORY BOARD ON WILD FREE-ROAMING HORSES AND BURROS**

To advise the Secretaries of Agriculture and Interior on any matter relating to wild free-roaming horses and burros on national forest lands and on public lands administered by the Bureau of Land Management.

**NATIONAL CAPITAL MEMORIAL ADVISORY COMMITTEE**

Recommends criteria and policies and advise on site location and erection of memorials, monuments, and statues in the National Capital Parks.

**NATIONAL PARK SERVICE MID-ATLANTIC REGIONAL ADVISORY COMMITTEE**

To advise the Director, Mid-Atlantic Region, National Park Service, on programs, policies and such other matters as may be referred to it by the Director, Mid-Atlantic Region.

**NATIONAL PARK SERVICE MIDWEST REGIONAL ADVISORY COMMITTEE**

To advise the Director, Midwest Region, National Park Service, on programs, policies, and such other matters as may be referred to it by the Director, Midwest Region.

**NATIONAL PARK SERVICE NORTH ATLANTIC REGIONAL ADVISORY COMMITTEE**

To advise the Regional Director, North Atlantic Region, National Park Service, on programs, policies, and such other matters as may be referred to it by the Director, North Atlantic Region.

**NATIONAL PARK SERVICE PACIFIC NORTHWEST REGIONAL ADVISORY COMMITTEE**

To advise the Director, Pacific Northwest Region, National Park Service, on programs, policies, and such other matters as may be referred to it by the Director, Pacific Northwest Region.

**NATIONAL PARK SERVICE ROCKY MOUNTAIN REGIONAL ADVISORY COMMITTEE**

To advise the Regional Director, Rocky Mountain Region, National Park Service, on programs, policies, and such other matters as may be referred to it by the Regional Director, Rocky Mountain Region.

**NATIONAL PARK SERVICE SOUTHEAST REGIONAL ADVISORY COMMITTEE**

To advise the Regional Director, Southeast Region, National Park Service, on programs, policies and such other matters as may be referred to it by the Regional Director, Southeast Region.

**NATIONAL PARK SERVICE SOUTHWEST REGIONAL ADVISORY COMMITTEE**

To advise the Regional Director, Southwest Region, National Park Service, on programs, policies, and such other matters as may be referred to it by the Regional Director, Southwest Region.

**NATIONAL PARK SERVICE WESTERN REGIONAL ADVISORY COMMITTEE**

To advise the Regional Director, Western Region, National Park Service, on programs, policies, and such other matters as may be referred to it by the Regional Director, Western Region.

**NATIONAL PETROLEUM COUNCIL**

Solely to advise, inform and make recommendations to the Secretary of the Interior with respect to any matter relating to petroleum or the petroleum in-



dustry submitted to it by, or approved by, the Secretary of the Interior.

**OFFICE OF WATER RESEARCH AND TECHNOLOGY ADVISORY PANEL**

To review the progress of the Office of Water Resources Research (OWRR) current program and to provide advice relative to future programs.

**OIL SHALE ENVIRONMENTAL ADVISORY PANEL**

To advise officials of the Department of the Interior regarding environmental matters associated with the prototype oil shale leasing program being conducted in the States of Colorado, Utah and Wyoming, and to ensure maximum feasible public participation in the program.

**OUTER CONTINENTAL SHELF ADVISORY BOARD**

To advise the Secretary of the Interior and other officers of the Department of the Interior in the performance of discretionary functions under the Outer Continental Shelf Lands Act, including all aspects of exploration and development of outer continental shelf resources.

**OUTER CONTINENTAL SHELF ENVIRONMENTAL STUDIES ADVISORY COMMITTEE**

To advise the Assistant Secretary—Land and Water Resources, the Director of the Bureau of Land Management, the Outer Continental Shelf Advisory Board, and other offices of the Department concerning the design and implementation of environmental studies related to oil and gas exploration and development on the OCS, including baseline data collection, monitoring and special studies.

**OZARK NATIONAL SCENIC RIVERWAYS ADVISORY COMMISSION**

To advise the Secretary with regard to matters relating to development of the area and with respect to carrying out the provisions of the Act of August 27, 1964 (Pub. Law 88-492).

**PICTURED ROCKS NATIONAL LAKESHORE ADVISORY COMMISSION**

To advise the Secretary, or his designee, with respect to matters relating to the development of Pictured Rocks National Lakeshore.

**SLEEPING BEAR DUNES NATIONAL LAKESHORE ADVISORY COMMISSION**

The Secretary, or his designee, consults with the Commission with respect to matters relating to the development of the Lakeshore, matters regarding zoning bylaws, construction and administration of scenic roads, and condemnation of commercial property.

**WATER RESEARCH AND EDUCATION ADVISORY COMMITTEE**

To provide advice and develop recommendations for policy with respect to planning, evaluating, coordinating and supporting long-range research programs; defining pressing water resource problem areas; establishing water research priorities; and delineating the appropriate areas of responsibility of

Federal and State agencies in carrying out water research and training programs.

Dated: March 11, 1977.

CECIL D. ANDRUS,  
Secretary of the Interior.

[FR Doc.77-7893 Filed 3-16-77;8:45 am]

**INTERNATIONAL TRADE COMMISSION**

[USITC SE-77-23]

**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 Wednesday, March 23, 1977, beginning at 9:30 a.m., in the Hearing Room of the United States International Trade Commission, 701 E Street, N.W., Washington, D.C. 20436. Except as hereinafter specified, the Commission plans to consider the following agenda items in open session:

1. Appeal, pursuant to the Freedom of Information Act, filed by Mr. Joseph Dorn;
2. Consideration of a petition on cast-iron stoves (Docket No. 432);
3. Proposed amendment to section 201.4 of the Rules of Practice and Procedure—see memorandum from the General Counsel dated February 28, 1977;
4. Quarterly report on East-West Trade;
5. Memorandum to the Commission from the Chairman, dated March 5, 1977, on printing;
6. Briefing by the advisory attorneys on television receivers (Inv. Nos. 337-TA-23 and 603-TA-1);
7. Any items left over from previous agendas;
8. Reorganization.

If you have any questions concerning the agenda for the March 23, 1977, Commission meeting, please contact the Secretary to the Commission at (202) 523-0161. Access to documents to be considered by the Commission at the meeting is provided for by access to the public files of the Commission, or when such documents are not in such files, as provided for in Subpart C of the Commission's rules (19 C.F.R. 201.17-201.21).

On the authority of 19 U.S.C. 1335 and in conformity with 19 C.F.R. 201.38 (a), when a person's privacy interests may be directly affected by holding a portion of a Commission meeting in public, that person may request the Commission to close such portion to public observation. Such requests should be communicated to the Office of the Chairman of the Commission.

Pursuant to the specific exemptions of 5 U.S.C. 552b(c)(2) and (6), on the authority of 19 U.S.C. 1335, and in conformity with 19 C.F.R. 201.36(b)(2) and (6), Commissioners Parker, Moore, Bedell, and Ablondi voted to hold the portion of the March 23, 1977, meeting with respect to the selection of personnel under reorganization (agenda item No. 8) in closed session. Commissioners Minchew and Leonard voted against closing this portion to the public.

A majority of the entire membership of the Commission felt that this portion of the meeting should be closed to the public since: (1) the discussion would only concern internal personnel practice and procedures; and (2) the information discussed in such portion would be likely to disclose information of a personal nature which could constitute a clearly unwarranted invasion of personal privacy.

Those persons expected to be present at this closed portion, and their corresponding affiliations, are listed as follows:

Daniel Minchew, Chairman.  
Joseph O. Parker, Vice Chairman.  
Will E. Leonard, Commissioner.  
George M. Moore, Commissioner.  
Catherine Bedell, Commissioner.  
Italo H. Ablondi, Commissioner.  
Kenneth R. Mason, Secretary.  
Jayne L. Silva, Staff Assistant (if Mr. Mason is not available).  
E. Bernice Morris, Staff Assistant.  
Charles R. Ramsdale, Chief, Personnel Division.  
Norma H. Warbls, Personnel Management Specialist (if Mr. Ramsdale is not available).  
Bruce N. Hatton, Assistant to Commissioner Leonard.

The General Counsel to the Commission certified that it is his opinion that the Commission's action in closing this portion of its meeting of March 23, 1977, was properly taken by a vote of a majority of the entire membership of the Commission pursuant to 5 U.S.C. 552b (d) (1) and in conformity with 19 C.F.R. 201.36(e). The discussion to be held in closed session is within the specific exemptions of 5 U.S.C. 552b(c) (2) and (6) and 19 C.F.R. 201.36(b) (2) and (6).

By order of the Commission.

RUSSELL N. SHEWMAKER,  
General Counsel.

KENNETH R. MASON,  
Secretary.

Issued: March 14, 1977

[FR Doc.77-7835 Filed 3-16-77;8:45 am]

**NATIONAL AERONAUTICS AND SPACE ADMINISTRATION**

[Notice (77-16)]

**APPLICATIONS STEERING COMMITTEE, OCEAN DYNAMICS ADVISORY SUBCOMMITTEE**

**Meeting**

The Applications Steering Committee, Ocean Dynamics Advisory Subcommittee will meet on April 4 and 5, 1977, at the National Oceanic and Atmospheric Administration Headquarters, Federal Office Building Five (POB 5), Room 926, 6010 Executive Boulevard, Rockville, Maryland. Members of the public will be admitted to the meeting beginning at 8:30 a.m. on a first-come, first-served basis, up to the seating capacity of the room.

The Applications Steering Committee, Ocean Dynamics Advisory Subcommittee will assist NASA in the definition and conduct of the Seasat program and other Ocean Dynamics related activities asso-



ciated with the Earth and Ocean Dynamics Applications Program, within the Office of Applications. This Subcommittee will advise and make recommendations on the conceptual design; development and operational readiness phase of ocean dynamics programs and will review on-going supporting research and technology tasks on an annual basis. Mr. Samuel W. McCandless can be contacted for further information at (202) 755-1201, NASA Headquarters, Washington, DC 20546.

The following is the agenda and schedule for the April 4 and 5, 1977 meeting:

APRIL 4, 1977

8:30 a.m., Status of proposed charter.  
9:00 a.m., Seasat status.  
9:30 a.m., European plan for Seasat participation.  
10:30 a.m., Seasat-B planning.  
11:30 a.m., Solicitation for investigations.  
1:00 p.m., NASA programs review.  
2:00 p.m., Discuss plans for science.  
3:00 p.m., Discuss plans for user agencies.  
4:00 p.m., Discuss plans for industrial applications.  
5:00 p.m., Adjourn.

APRIL 5, 1977

9:00 a.m., Review plans in the areas of science, user agencies, and industrial applications.  
11:00 a.m., Summation and action items.  
12:00 p.m., Adjourn.

JOHN M. COULTER,  
*Acting Assistant Administrator  
for DOD and Interagency Affairs.*

MARCH 11, 1977.

[FR Doc.77-7871 Filed 3-16-77;8:45 am]

## NATIONAL COMMISSION ON NEW TECHNOLOGICAL USES OF COPYRIGHTED WORKS

### MEETING

A meeting of the National Commission on New Technological Uses of Copyrighted Works (CONTU) will be held at 10 a.m. on Thursday, March 31, 1977 and at 9:30 a.m. on Friday, April 1, 1977 in room 1512 of the International Affairs Building of Columbia University located on the corner of Amsterdam Avenue and West 118th Street in New York City. The proceedings will be devoted to testimony on the photocopying issue and consideration of Commission reports concerned with copyright protection for computer software and automated data bases. The meeting will be open to the public.

Full transcripts of the meeting will be available for purchase from the National Technical Information Service in June 1977; ordering information may be obtained from the Commission.

All members of the public, including representatives of groups concerned, are invited to submit written comments relating to any matters under the Commission's consideration. All such comments should be addressed to Dolores K. Dougherty, Administrative Officer, National Commission on New Technological Uses

of Copyrighted Works, Washington, D.C. 20558.

ARTHUR J. LEVINE,  
*Executive Director, National  
Commission on New Technological  
Uses of Copyrighted  
Works.*

[FR Doc.77-8270 Filed 3-16-77;9:06 am]

## NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

### ADVISORY COMMITTEES

#### Public Disclosure of Information and Activities

The National Endowment for the Arts utilized advice and recommendations of advisory committees, including the National Council on the Arts, in carrying out many of its functions and activities.

The Federal Advisory Committee Act (Pub. L. 92-463) governs the formation, use, conduct, management, and accessibility to the public of committees formed to advise and assist the Federal Government. Section 10 of the Act specifies that department and agency heads shall make adequate provisions for participation by the public in the activities of advisory committees, except to the extent a determination is made in writing by the department or agency head that a portion of an advisory committee meeting may be closed to the public in accordance with subsection (c) of section 552b of title 5, United States Code.

It is the policy of the National Endowment for the Arts to make the fullest possible disclosure of records to the public, limited only by obligations of confidentiality and administrative necessity. Consistent with this policy, all Endowment advisory committee meetings except for limited portions dealing with the review, discussion, evaluation, and/or ranking of grant applications and contract proposals will be open to the public. The reasons for this determination are as follows:

Information and data are furnished to the Endowment by grant applicants with assurance that such information will be treated on a confidential basis and not disclosed to the public. This information may include such matters as details relating to the type of design or work to be performed, adequacy of the applicant's facilities, competence of the applicant's or contractor's staff, proposed budget, and other material which would not otherwise be disclosed. If the process were not to continue on a confidential basis, grant applicants and potential contractors would not supply sufficiently detailed information so essential for complete and effective review of their proposals.

Further, public disclosure of proposals not approved for funding could subject unsuccessful grant applicants to embarrassment and might adversely influence or prejudice the decisions of other fund-

ing sources in connection with their review of similar proposals.

Endowment consultant-experts are chosen from among persons recognized for their expertise in the arts. These experts review and evaluate applications for financial assistance submitted to the Endowment by their peers and colleagues in the respective cultural fields. As a result, public participation in panel meetings involving application review undoubtedly would effect a consultant-expert's willingness to express his or her full and frank opinion regarding the merits of the proposed project or activity. Also, such participation could result in consultant-experts being subjected to attempts by potential grantees to influence final funding decisions. Accordingly, the Endowment's capacity effectively to carry out its statutory mandate and maintain the highest possible standards of quality with respect to funding decisions would be seriously impaired by its inability to conduct the grant review process in a confidential atmosphere conducive to the candid and honest exchange of ideas. Thus, such public participation would be likely to significantly frustrate implementation of proposed agency actions, i.e., proposed funding decisions.

Finally, disclosure of preliminary funding recommendations could result in premature reliance on such information to the applicant's financial detriment, since such recommendations are not binding on the Chairman of the Endowment.

Consequently, in the interest of meeting our obligations of confidentiality in reference to matters submitted as part of grant applications and contract proposals, and in order to encourage and insure, for the benefit of the government's review and evaluation process, candid and uninhibited expression of views concerning the merits of grant applications and contract proposals:

It is hereby determined in accordance with the provisions of section 10(d) of the Act that the disclosure of information regarding the review, discussion and evaluation of grant applications and contract proposals, as outlined herein is likely to disclose:

- (1) Trade secrets and commercial or financial information obtained from a person and privileged or confidential;
- (2) Information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; and,
- (3) Information the premature disclosure of which would be likely to significantly frustrate implementation of proposed agency action.

Therefore, in light of the above, I have determined that meetings or portions thereof, of all Endowment advisory committees, including the National Council on the Arts, devoted to review, discussion, evaluation, and/or ranking of grant applications, and contract proposals may be closed to the public in ac-



cordance with subsection (c) (4), (6) and 9(B) of section 552b of title 5, United States Code.

The Executive Secretary of each such committee shall prepare a summary of any meeting or portion thereof not open to the public within three (3) business days following the conclusion of the meeting of the National Council on the Arts. Such summaries shall be consistent with the considerations which justified the closing of the meeting.

All other advisory committee meetings shall be open to the public unless the Chairman of the National Endowment for the Arts or his designee determines otherwise in accordance with section 10 (d) of the Act.

The Advisory Committee Management Officer shall be responsible for publication in the FEDERAL REGISTER or, as appropriate, in local media, of a notice of all advisory committee meetings. Such notice shall be published in advance of the meetings and contain:

(1) Name of the committee and its purpose;

(2) Date, and time of the meeting, and, if the meeting is to be open to the public, its location and agenda; and,

(3) A statement that the meeting is open to the public, or, if the meeting or any portion thereof is not to be open to the public, a statement to that effect.

The Advisory Committee Management Officer is designated as the person from whom rosters or lists of committee members may be obtained and from whom minutes of open meetings or open portions thereof may be requested.

Any interested persons may attend, as observers, meetings, or portions thereof, of advisory committees which are open to the public.

Members of the public attending a meeting will be permitted to participate in the committee's discussion at the discretion of the chairman of the committee, if the chairman is a full-time Federal employee; if the chairman is not a full-time Federal employee then public participation, will be permitted at the chairman's discretion with the approval of the full-time Federal employee in attendance at the meeting in compliance with the order.

NANCY HANKS,  
Chairman,  
National Endowment for the Arts.

[FR Doc. 77-7751 Filed 3-16-77; 8:45 am]

## NUCLEAR REGULATORY COMMISSION

### INTERNATIONAL ATOMIC ENERGY AGENCY DRAFT SAFETY GUIDE

#### Availability of Draft for Public Comment

The International Atomic Energy Agency (IAEA) is developing a limited number of internationally acceptable codes of practice and safety guides for nuclear power plants. These codes and guides will be developed in the following five areas: Government Organization, Siting, Design, Operation, and Quality Assurance. The purpose of these codes and guides is to provide IAEA guidance

to countries beginning nuclear power programs.

The IAEA Codes of Practice and Safety Guides are developed in the following way. The IAEA receives and collates relevant existing information used by member countries. Using this collation as a starting point, an IAEA Working Group of a few experts then develops a preliminary draft. This preliminary draft is reviewed and modified by the IAEA Technical Review Committee to the extent necessary to develop a draft acceptable to them. This draft Code of Practice or Safety Guide is then sent to the IAEA Senior Advisory Group which reviews and modifies the draft as necessary to reach agreement on the draft and then forwards it to the IAEA Secretariat to obtain comments from the member states. The Senior Advisory Group then considers the member state comments, again modifies the draft as necessary to reach agreement and forwards it to the IAEA Director General with a recommendation that it be accepted.

As part of this program, Safety Guide, SG-S5, "Man Induced Events Related to Nuclear Power Plant Siting," has been developed. The Working Group draft of this Safety Guide was modified by the IAEA Technical Review Committee on Siting which met in January 1977, and we are soliciting public comments on this modified draft. Comments on this draft received by April 9, 1977 will be useful to the U.S. representatives to the Technical Review Committee and Senior Advisory Group in evaluating its adequacy prior to the next IAEA discussion.

Single copies of this draft may be obtained by a written request to the Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

(5 U.S.C. 522 (a).)

Dated at Rockville, Maryland this 1st day of March 1977.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,  
Director, Office of  
Standards Development.

[FR Doc. 77-7655 Filed 3-16-77; 8:45 am]

### ADVISORY COMMITTEE ON REACTOR SAFEGUARDS, WASTE MANAGEMENT SUBCOMMITTEE

#### Meeting

In accordance with the purposes of Sections 29 and 182b of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the ACRS Waste Management Subcommittee will hold an open meeting on April 1, 1977 in Room 1046, 1717 H St., NW., Washington, D.C. 20555. The purpose of this meeting is to develop information for ACRS review of NUREG-0217, "NRC Task Force Report on Review of the Federal/State Program for Regulation of Commercial Low-Level Radioactive Waste Burial Grounds," published March 1977 by Office of Nuclear Material Safety and Safeguards and Office of

State Programs, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

The agenda for the subject meeting shall be as follows:

FRIDAY, APRIL 1, 1977, 8:30 A.M.-9:00 A.M.

The Subcommittee will meet in Executive Session, with any of its consultants who may be present, to exchange opinions and discuss preliminary views and recommendations relating to the above review.

9:00 A.M. UNTIL THE CONCLUSION OF BUSINESS

The Subcommittee will meet to hear presentations by the NRC Staff and NRC Staff consultants, and will hold discussions with them pertinent to this review.

At the conclusion of this session, the Subcommittee may caucus to determine whether the matters identified in the initial session have been adequately covered and whether the project is ready for review by the full Committee.

Practical considerations may dictate alterations in the above agenda or schedule. The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business, including provisions to carry over an incomplete open session from one day to the next.

The Advisory Committee on Reactor Safeguards is an independent group established by Congress to review and report on each application for a construction permit and on each application for an operating license for a reactor facility and on certain other nuclear safety matters. The Committee's reports become a part of the public record. Although ACRS meetings are ordinarily open to the public and provide for oral or written statements to be considered as a part of the Committee's information gathering procedure concerning the health and safety of the public, they are not adjudicatory type hearings such as are conducted by the Nuclear Regulatory Commission's Atomic Safety & Licensing Board as part of the Commission's licensing process. ACRS meetings do not normally treat matters pertaining to environmental impacts outside the safety area.

With respect to public participation in the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda may do so by providing a readily reproducible copy to the Subcommittee at the beginning of the meeting. Comments should be limited to safety related areas within the Committee's purview.

Persons desiring to mail written comments may do so by sending a readily reproducible copy thereof in time for consideration at this meeting. Comments postmarked no later than March 25, 1977 to Mr. R. Muller, ACRS, NRC, Washington, D.C. 20555, will normally be received in time to be considered at this meeting.

(b) Persons desiring to make an oral statement at the meeting should make a written request to do so, identifying the topics and desired presentation time so that appropriate arrangements can be made. The Subcommittee will receive



oral statements on topics relevant to its purview at an appropriate time chosen by the Chairman.

(c) Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call on March 31, 1977 to the Office of the Executive Director of the Committee (telephone 202-634-1413, Attn: Mr. R. Muller) between 8:15 a.m. and 5:00 p.m., EST.

(d) Questions may be propounded only by members of the Subcommittee and its consultants.

(e) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(f) A copy of the transcript of the portion(s) of the meeting where factual information is presented and a copy of the minutes of the meeting will be available for inspection on or after April 8 and July 1, 1977 respectively, at the NRC Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555.

Copies may be obtained upon payment of appropriate charges.

Dated: March 11, 1977.

JOHN C. HOYLE,  
Advisory Committee  
Management Officer.

[FR Doc. 77-8020 Filed 3-16-77; 8:45 am]

## MEETINGS

In accordance with the requirements of the Government in the Sunshine Act and the Commission's Rules implementing the Act, this Notice identifies the Commission meetings for the Week of March 21, 1977 and, for each meeting, the subject matter and whether all or part of the meeting is closed. The public is invited to attend the section marked "Public Meetings."

### SECTION I—PUBLIC MEETINGS

TUESDAY, MARCH 22

- 10 a.m.—Briefing on resident inspector program.  
11 a.m.—Briefing on status of GESMO.

### SECTION II—CLOSED MEETINGS

MONDAY, MARCH 21

- 10 a.m.—Briefing on arrangements with the executive branch on nuclear export functions: (Although the Commission has not met to approve the closing of this meeting, the discussion will involve classified material and interagency relationships as defined under exemptions 1 and 9; the Commission will vote on closing this meeting at the earliest practical time which will be March 18, the next time a quorum is available.)  
11 a.m.—Tarapur: Consolidation of other aspects: (Authority to close: 5 U.S.C. 552b (d) (1) and 5 U.S.C. 552b (c) (9B) and (c)

(10) and § 9.105 (a)(9) and (a)(10) of the Commission's Rules.) The General Counsel will present legal and policy advice to the Commission, the premature disclosure of which might be harmful to and significantly frustrate the Commission's action in a matter which it is reasonable to anticipate will result in litigation, as well as being harmful to and significantly frustrating to the Commission's action in a pending case; the discussion will include the Commission's participation in a pending civil action and its participation in other civil action which could reasonably be anticipated.

- 1:30 p.m.—Commission legislative program: (Authority to close: 5 U.S.C. 552(b) (d) (1) and 5 U.S.C. 552b(c) (9B) and § 9.105 (a) and 9.104(a) (9) of the Commission's Rules.) This matter involves a response to a Congressional request for views.  
2:30 p.m.—NRC and International Physical Protection Standards: (Authority to close: 5 U.S.C. 552b(d) (1) and 5 U.S.C. 552b (c) (1) and (c) (4) and § 9.105(a) and 9.104 (a) (1) and (a) (4) of the Commission's Rules.) The meeting will include discussion of U.S. policy and policy development; and will include discussion of classified information.

TUESDAY, MARCH 22

- 1:30 p.m.—Discussion of Seabrook opinion: Authority to close: 5 U.S.C. 552b(d) (1) and 5 U.S.C. 552b(c) (10) and § 9.105(a) and 9.104(a) (10) of the Commission's Rules.) This meeting will involve discussion of the drafting of an Opinion in a particular case of formal agency adjudication pursuant to 5 U.S.C. 554.  
2:30 p.m.—Discussion of Hartselle: (Authority to close: 5 U.S.C. 552b(d) (1) and 5 U.S.C. 552b(c) (10) and § 9.105(a) and 9.104(a) (10) of the Commission's Rules.) This meeting will involve discussion of exercise of the Commission's review authority in a particular case. Those persons expected to be in attendance at all meetings are: The Commissioners and members of their personal staffs; Peter L. Strauss, General Counsel and members of his office; Benjamin Huberman, Director of Policy Evaluation and members of his office; Samuel J. Chilk, Secretary and members of his office.

The following meetings are expected to have the additional NRC staff indicated:

Arrangements with the Executive Branch on Nuclear Export Functions: (J. Shea, M. Guhin, R. Moore, M. Peterson, (IP); and representatives of the Office of Nuclear Material Safety & Safeguards and the Office of the Executive Legal Director.)

NRC and International Physical Protection Standards: (K. Chapman, R. Page, J. Powers, T. Sherr, A. Giarratana (NMSS); J. Shea, M. Guhin (IP); H. Shapar, R. Fonner (ELD); T. Michaels (SD); J. Miller (NRR); D. Chappell (IE).)

The meetings will be held in the Commissioners' Conference Room, 1717 H Street NW., Washington, D.C. For further information, contact Walter Magee, Office of the Secretary, telephone: (202) 634-1410.

For the Commission.

Dated this 14th day of March 1977, at Washington, D.C.

JOHN C. HOYLE,  
Acting Secretary of the Commission.

[FR Doc. 77-7852 Filed 3-14-77; 2:13 pm]

## MEETING

In accordance with the requirements of the Government in the Sunshine Act

and the Commission's Rules implementing the Act, this Notice identifies an additional Commission meeting for the Week of March 21, 1977 and identifies the subject matter and whether all or part of the meeting is closed. The public is invited to attend this meeting.

PUBLIC MEETING—TUESDAY, MARCH 22

12 m.—FOIA Appeal: Interagency study on nuclear material accounting data (the Commission is expected to affirm its action on this matter, which has been reviewed on the basis of circulated papers by individual Commissioners; consideration is expected to take no more than five minutes).

The meeting will be held in the Commissioners' Conference Room, 1717 H Street NW., Washington, D.C. For further information, contact Walter Magee, Office of the Secretary, telephone: (202) 634-1410.

Dated this 15th day of March 1977, at Washington, D.C.

For the Commission.

JOHN HOYLE,  
Acting Secretary of the Commission.

[FR Doc. 77-8273 Filed 3-16-77; 9:59 am]

## REGULATORY GUIDE

### Issuance and Availability

The Nuclear Regulatory Commission has issued a guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 1.32, Revision 2, "Criteria for Safety-Related Electric Power Systems for Nuclear Power Plants," describes a method acceptable to the NRC staff for complying with certain regulations with respect to the design, operation, and testing of safety-related electric power systems in all types of nuclear power plants. This guide was revised following consideration of public comments and additional staff review.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time. Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Attention: Docketing and Service Branch.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides in specific divisions should be made in writing to the U.S. Nuclear Regulatory Commission, Washington,



D.C. 20555, Attention: Director, Division of Document Control. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a).)

Dated at Rockville, Maryland this 8th day of March 1977.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,  
Director, Office of  
Standards Development.

[FR Doc. 77-7658 Filed 3-16-77; 8:45 am]

#### REGULATORY GUIDE Issuance and Availability

The Nuclear Regulatory Commission has issued a guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 8.8, Revision 2, "Information Relevant to Ensuring that Occupational Radiation Exposures at Nuclear Power Stations Will Be As Low As Is Reasonably Achievable," provides information relevant to attaining goals and objectives for planning, designing, constructing, and operating a light-water reactor nuclear power station to meet the criterion that exposures of station personnel to radiation during routine operation of the station will be "as low as is reasonably achievable (ALARA)." This guide was revised to provide greater detail.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time. Public comments on Regulatory Guide 8.8, Revision 2, will, however, be particularly useful in evaluating the need for an early revision if received by May 13, 1977.

Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides in specific divisions should be made in writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Document Control. Telephone requests cannot be accommodated. Regula-

tory guides are not copyrighted, and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a).)

Dated at Rockville, Maryland this 9th day of March 1977.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,  
Director, Office of  
Standards Development.

[FR Doc. 77-7659 Filed 3-16-77; 8:45 am]

[Docket No. 70-27]

#### BABCOCK & WILCOX CO.

#### Negative Declaration Regarding Renewal of License

The Nuclear Regulatory Commission (the Commission) is considering the renewal of Special Nuclear Material License SNM-42 for the continued operation of the Naval Nuclear Fuel Division of Babcock & Wilcox Co. at Lynchburg, Virginia.

The Commission's Division of Fuel Cycle and Material Safety has prepared an environmental impact appraisal for the proposed renewal of License No. SNM-42. On the basis of this appraisal, the Commission has concluded that an environmental impact statement for this particular license renewal is not warranted because there will be no significant environmental impact attributable to the proposed action. The environmental impact appraisal (NR-FM-009) is available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. A copy may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C., Attention: Director, Division of Fuel Cycle and Material Safety.

Dated at Silver Spring, Maryland, this 9th day of March 1977.

For the Nuclear Regulatory Commission.

WILLIAM T. CROW,  
Acting Chief, Fuel Processing  
and Fabrication Branch, Division  
of Fuel Cycle and Material  
Safety.

[FR Doc. 77-7653 Filed 3-16-77; 8:45 am]

[Docket Nos. 50-325 and 50-324]

#### CAROLINA POWER AND LIGHT CO.

#### Issuance of Amendments to Facility Operating Licenses

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 2 and 24 to Facility Operating License Nos. DPR-71 and DPR-62 issued to Carolina Power and Light Company which revised Technical Specifications for operation of the Brunswick Steam Electric Plant, Unit Nos. 1 and 2, located in Brunswick County, North Carolina. These amendments are effective as of their date of issuance.

These amendments involve administrative changes relating to the method of developing environmental monitoring procedures associated with the environmental technical specifications.

The application for the amendments 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 amendments. Prior public notice of these amendments is not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendment dated December 22, 1976, (2) Amendment No. 2 to License No. DPR-71, and (3) Amendment No. 24 to DPR-62. All three items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Southport-Brunswick County Library, 109 W. Moore Street, Southport, North Carolina 28461.

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 Site Safety and Environmental Analysis.

Dated at Bethesda, Maryland, this 7th day of March 1977.

For the Nuclear Regulatory Commission.

ALBERT SCHWENGER,  
Chief, Operating Reactors  
Branch 1, Division of Operating  
Reactors.

[FR Doc. 77-7654 Filed 3-16-77; 8:45 am]

[Docket Nos. 50-329 and 50-330]

#### CONSUMERS POWER CO. (MIDLAND PLANT, UNITS 1 AND 2)

#### Order

Reference to "Intervenors" herein means all intervenors other than Dow Chemical Company.

For reasons to be stated in a Memorandum to be issued,

It is ordered: (1) That the motion of the Licensee to defer these proceedings until the Commission has rules on Licensee's "Motion for Stay of Orders in the Light of Changed Circumstances" is denied;

(2) That the motion of Intervenors for a certification to the Appeal Board of our order denying the payment to Intervenors of financial assistance is denied;



(3) That the pre-filed rebuttal testimony of Licensee's witnesses Lapinski, Heins, and Ringlee as well as Staff's pre-filed rebuttal testimony entitled "NRC Staff Rebuttal Testimony of Sidney E. Field on Forecast Methodology and Alternative Rate Designs," "NRC Staff Testimony of Walter J. Gundersen on the Subject of Loss of Load Probability and Reserve Margins," and "NRC Staff Rebuttal Testimony of Arnold H. Meltz on the Financial Costs of Delay (Excluding Replacement Power)" shall not be disclosed to Dr. Timm prior to the time Dr. Timm finishes testifying, but that all other pre-filed testimony may be disclosed;

(4) That Intervenor will have a reasonable time to prepare for cross-examination of the witnesses listed in paragraph (3) above after Dr. Timm completes his testimony and before such listed witness testifies;

(5) That paragraphs (3) and (4) hereof do not rule whether or not any of the pre-filed testimony will be received by the Board; and

(6) That the evidentiary hearing will resume on March 21, 1977, at 1:30 p.m. in the Main Courtroom of the United States Court of Appeals for the Seventh Circuit on the 27th Floor of the Everett McKinley Dirksen Building, Chicago, Illinois.

Dated at Bethesda, Maryland, this 11th day of March, 1977.

ATOMIC SAFETY AND LICENSING BOARD,  
FREDERIC J. COUFAL,  
Chairman.

[FR Doc. 77-8021 Filed 3-16-77; 8:45 am]

[Docket Nos. 50-369, 50-370]

**DUKE POWER CO. (WILLIAM B. McGUIRE NUCLEAR STATION, UNITS 1 AND 2)**

**Order Convening Public Hearing**

MARCH 11, 1977.

Pursuant to notice published in the FEDERAL REGISTER on October 7, 1974 (39 FR 36037), by the Atomic Safety and Licensing Board, an evidentiary hearing will be held on an application by Duke Power Company (Applicant) for facility operating licenses for William B. McGuire Nuclear Station, Units 1 and 2.

The hearing will consider the issuance, denial or appropriate conditioning of facility operating licenses which would authorize the Applicant to possess, use and operate the William B. McGuire Nuclear Station, Units 1 and 2, which is located on the shore of Lake Norman in Mecklenburg County, North Carolina, approximately 17 miles north-northwest of Charlotte, North Carolina. Construction of the facility was authorized by construction permit Nos. CPPR-83 and CPPR-84, both issued on February 28, 1973.

The matter having come before the Board at the Prehearing Conferences held on January 16, 1975 and August 4, 1976, and during conferences by telephone on February 23, February 28, and

March 11, 1977, and all parties having been present and participating, a date convenient for the convening of the evidentiary hearing in this proceeding has been agreed upon.

Wherefore, it is ordered, in accordance with the Atomic Energy Act, as amended, and the Rules of Practice of the Nuclear Regulatory Commission, and take notice, That the evidentiary hearing in the captioned proceeding shall convene on Monday, March 28, 1977, at 1:00 p.m., local time, in the Fourth Floor Commissioners' Meeting Room, Mecklenburg County Administration Building, 720 East Fourth Street, Charlotte, North Carolina 28202.

The parties have estimated that receipt of evidence in this initial session of the operating license hearing will be completed by Friday afternoon, April 1, 1977.

All persons who have requested permission to make a limited appearance will be afforded an opportunity to state their views or to file a written statement on the first day of the hearing or at such other times as the Licensing Board may for good cause designate.

Members of the public are welcome to attend.

Dated at Bethesda, Maryland this 11th day of March 1977.

For the Atomic Safety and Licensing Board.

ROBERT M. LAZO,  
Chairman.

[FR Doc. 77-8022 Filed 3-16-77; 8:45 am]

[Docket No. 50-289]

**METROPOLITAN EDISON CO., ET AL.**

**Issuance of Amendment to Facility Operating License**

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 25 to Facility Operating License No. DPR-50, issued to Metropolitan Edison Company, Jersey Central Power and Light Company, and Pennsylvania Electric Company (the licensees), which revised Technical Specifications for operation of the Three Mile Island Nuclear Station, Unit No. 1 (the facility) located in Dauphin County, Pennsylvania. The amendment is effective as of its date of issuance.

The amendment incorporates into the Three Mile Island, Unit No. 1 Technical Specifications revised pressure-temperature curves for two and three pump operation and reactor internals vent valve surveillance requirements.

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. Notice of Proposed Issuance of Amendment to Facility Operating License in connection with this

action was published in the FEDERAL REGISTER on August 5, 1976 (41 FR 32800). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action. Contrary to the license amendment proposed in the above-mentioned notice, this action does not change the variable low pressure trip setpoint.

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 July 7, 1976, as supplemented October 19, 1976 and January 31, 1977, (2) Amendment No. 25 to License No. DPR-50, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Government Publications Section, State Library of Pennsylvania, Box 1610 (Education Building), Harrisburg, Pennsylvania.

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 7th day of March 1977.

For the Nuclear Regulatory Commission.

ROBERT W. REID,  
Chief, Operating Reactors  
Branch No. 4, Division of  
Operating Reactors.

[FR Doc. 77-7652 Filed 3-16-77; 8:45 am]

[Docket No. 50-272]

**PUBLIC SERVICE ELECTRIC AND GAS CO., ET AL.**

**Granting of Relief From Inservice Inspection (Testing) Requirements**

The U.S. Nuclear Regulatory Commission (the Commission) has granted relief from certain requirements of the ASME Code, Section XI, "Rules for Inservice Inspection of Nuclear Power Plant Components" to Public Service Electric and Gas Company, Philadelphia Electric Company, Delmarva Power and Light Company and Atlantic City Electric Company. The relief relates to the inservice inspection (testing) program for Salem Nuclear Generating Station, Unit No. 1 (the facility) located in Lower Alloways Creek Township, Salem County, New Jersey. The ASME Code requirements are incorporated by reference into the Commission's rules and regulations in 10 CFR Part 50. The relief is effective as of its date of issuance.

The relief consists of deleting the inservice inspection requirements of the ASME Section XI Code for certain pumps until September 1, 1977 unless



sooner revoked or amended by the Commission.

The request for relief complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the letter granting relief. Prior public notice of this action was not required since the granting of this relief from ASME Code requirements does not involve a significant hazards consideration.

The Commission has determined that the granting of this relief will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal, need not be prepared in connection with this action.

For further details with respect to this action, see (1) the licensee's request for relief dated February 28, 1977, (2) the Commission's letter to the licensee dated March 8, 1977.

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 Salem Free Public Library, 112 West Broadway, Salem, New Jersey. A copy of item (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 8 day of March 1977.

For the Nuclear Regulatory Commission:

GEORGE LEAR,  
Chief, Operating Reactors  
Branch No. 3, Division of  
Operating Reactors.

[FR Doc. 77-7656 Filed 3-16-77; 8:45 am]

[Docket No. 50-206]

**SOUTHERN CALIFORNIA EDISON CO. AND  
SAN DIEGO GAS AND ELECTRIC CO.**

**Issuance of Amendment to Provisional  
Operating License**

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 24 to Provisional Operating License No. DPR-13, issued to Southern California Edison Company and San Diego Gas and Electric Company (the licensee), which revised Technical Specifications for operation of the San Onofre Nuclear Generating Station, Unit No. 1 (the facility) located in San Diego County, California. The amendment is effective as of its date of issuance.

The amendment incorporates the requirements for integrated containment leakage rate testing and other changes to conform with the results of the containment post accident pressure reanalysis.

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. Notice of Proposed Issuance of Amendment to Provisional Operating License in connection with this action was published in the FEDERAL REGISTER on January 7, 1976 (41 FR 1332). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

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 January 18, 1977, (2) Amendment No. 24 to License No. DPR-13, 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 Mission Viejo Branch Library, 24851 Chrisanta Drive, Mission Viejo, California. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 18th day of February 1977.

For the Nuclear Regulatory Commission:

A. SCHWENCER,  
Chief, Operating Reactors  
Branch #1, Division of Oper-  
ating Reactors.

[FR Doc. 77-7657 Filed 3-16-77; 8:45 am]

**NATIONAL TRANSPORTATION  
SAFETY BOARD**

[N-AR77-11]

**RESPONSES TO SAFETY  
RECOMMENDATIONS**

**Receipt and Availability**

The National Transportation Safety Board announces the recent receipt of responses to recommendations made as a result of investigation into certain marine casualties and pipeline accidents which occurred during the past several years.

**MARINE RECOMMENDATION RESPONSES**

*Responses from the United States Coast Guard—*

*Re M-72-24.*—Letter of 25 February provides an update of response to this recommendation which was issued after investigation of the structural failure and sinking of the SS TEXACO OKLAHOMA on 27 March 1971. The recom-

mendation asked the Coast Guard to require another inflatable liferaft to be installed on the after section of tankships either in addition to or in lieu of one of the lifeboats now required.

Coast Guard states that Chapter III of the Safety of Life at Sea Convention, 1960, is under complete revision by the Intergovernmental Maritime Consultative Organization Subcommittee on Lifesaving Appliances (IMCO), and that several submittals from other countries include provisions for 100-percent liferafts as well as 200-percent life boatage. Small vessels of 1,500 gross tons and less would have davit launched liferafts plus a man-overboard boat, and Coast Guard notes that as part of the change, a large improvement will be made in launching capabilities of lifeboats. The United States, on behalf of the subcommittee, is drafting a text of Chapter III to be submitted at the next Lifesaving Appliances session.

The proposed text, according to Coast Guard, will incorporate the 200-percent covered lifeboat requirement for freight and tank vessels, an increase in liferaft requirements, and the previously mentioned requirements for small vessels of 1,500 gross tons and less. Upon acceptance of the new text of Chapter III of IMCO, Coast Guard indicates that Federal regulations will be suitably amended.

Coast Guard also seeks increases in lifesaving appliances in two other areas: Mobile offshore drilling units draft regulations will include a provision for 100-percent covered lifeboats and 100-percent rafts; further consideration of raft davit launching is in progress with regard to these regulations. Secondly, an advanced notice of proposed rulemaking on Great Lakes vessels proposed 100-percent float free, covered lifeboats and 100-percent additional lifesaving equipment which could be liferafts. Coast Guard adds that a notice of proposed rulemaking is being drafted which will require 100-percent covered lifeboats and 100-percent davit launched liferafts for these vessels; also, float free lifesaving appliances will be provided for 100 percent of the vessel's complement.

*Re M-75-11.*—Letter of 28 February updates response to this recommendation which was issued as a result of investigation into the explosion and fire on board the unmanned tank barge OCEAN 80 at Carteret, New Jersey, 25 October 1972. The recommendation requested Coast Guard, for at least one year, to investigate thoroughly all oil pollution incidents involving cargo transfer spills to evaluate the adequacy of 33 CFR Parts 154 through 156. Coast Guard reports that a notice of proposed rulemaking to revise and update the pollution prevention regulations is in the final stage of preparation, publication anticipated this fiscal year.

*Re M-76-6.*—A second Coast Guard letter of 28 February updates response to this recommendation, issued after investigation into the collision between the SS C. V. SEA WITCH and the SS ESSO BRUSSELS in New York Harbor on 2 June 1973. (See 41 FR 10481, March 11,



1976.) Coast Guard was asked to include, as part of its speed limit stipulations for large vessels transmitting New York Harbor, a requirement that any vessel which loses steering control shall immediately stop or slow, and anchor as soon as it is safe to do so.

In answer, Coast Guard notes that proposed regulations for the operation of Vessel Traffic System, New York, will be drafted this year. "These regulations will incorporate this recommendation in whole," Coast Guard states.

*Re M-76-11 through M-76-19.*—Under date of 25 February, Coast Guard has provided a detailed response to these recommendations which were issued following investigation into the sinking of the U.S. freighter SS SILVER DOVE in the North Pacific on 2 April 1973. (See 41 FR 53874, December 9, 1976.)

With reference to M-76-11, asking Coast Guard to develop or adapt existing crack detectors to provide its marine inspectors with a reliable means of detecting small cracks in ship hulls and utilize such detectors once developed, Coast Guard states that it presently uses ultrasonic shear wave techniques for crack detection. Coast Guard notes that a new ultrasonic technique called "acoustic crack detector" has been tested by Federal Highway Administration on bridges, but the test results were unfavorable and the technique found unreliable on older structures where there was paint build-up, pitting, and surface roughness. "It is doubtful that this technique in its present form would be of much use to marine inspectors," Coast Guard stated. Advancement in the field of crack detection will continue to be monitored.

Regarding M-76-12, asking for detailed procedures to be followed in making hull thickness measurements during periodic Coast Guard inspections, Coast Guard's response notes that Navigation and Vessel Inspection Circular 7-68 and Section 3-16-15A of the Merchant Marine Safety Manual outline the proper procedures for taking accurate ultrasonic measures to determine hull thickness and specify that drill gaugings may be taken in lieu of and to verify the accuracy of those measurements; also, the American Bureau of Shipping Rules for Building and Classing Steel Vessels Sections 45/3 through 45/7 specify inspection requirements for annual hull surveys and special periodic hull surveys, including requirements for periodic gaugings of all main scantlings. The vessel surveys are normally conducted in conjunction with Coast Guard inspections. Coast Guard contends that since 46 CFR 91.15-1 provides that the Coast Guard shall accept standards established by the American Bureau of Shipping in inspecting vessel hulls where standards are not otherwise provided by Federal regulations, and since American Bureau of Shipping's Rules for Non-destructive Inspection of Hull Welds and Rules for Building and Classing Steel Vessels are used by Coast Guard in inspecting vessel hulls in areas not covered by Federal regulations, the development of further procedures in making hull thickness

measurements is considered unnecessary. Coast Guard states, however, that the Merchant Marine Safety Manual will be amended to stress the importance of highlighting low readings as potential origins of cracks or leaks and to ensure that measurements taken of areas covered by sheathing are verified for accuracy.

Recommendation M-76-13 asked Coast Guard to conduct a one-time special inspection of all certified seagoing break-bulk vessels constructed prior to 1965 to detect wastage of hull plating covered by insulation and sheathing and wastage of ventilation systems and piping systems having openings outside the hull. Coast Guard will implement this recommendation, coordinating the inspection with American Bureau of Shipping special surveys. The recommendation asked that this special inspection be completed within two years; Coast Guard anticipates that it will take between three and four years to complete. Further response is promised by 1 June 1980.

M-76-14 asked Coast Guard to develop, aided by the Portland Cement Association, guidelines for using cement for making watertight temporary repairs aboard ship and for inspecting such repairs and to issue these guidelines in a Navigation and Vessel Inspection Circular. Coast Guard in response states, "The use of cement as a primary method of accomplishing watertight repairs to vessels is considered an emergency damage control procedure utilized only when all other methods of repair are ineffective." The Coast Guard considers the development of guidelines which will encourage wide acceptance of cement patches as a temporary method of repair as counterproductive.

In answer to M-76-15, which asked Coast Guard to develop standards for and require portable pump(s) with necessary ancillary equipment to remove seawater which may leak into the cargo holds of ships which carry bulk cargoes, Coast Guard notes that the portable pump and ancillary equipment required to remove seawater from holds of ships carrying bulk cargoes would have to have many capabilities to be capable of pumping (1) from a low point in the hold to prevent loss of suction, (2) liquids which may vary in viscosity from seawater to extremely viscous liquids of dissolved cargo/seawater mixtures, and (3) slurries of water/cargo mixtures. Also, the equipment would have to be capable of pumping, filtering, screening, straining, or physically removing solid objects from the seawater mixture to prevent clogging of the system. Coast Guard states that no such variable viscosity pumping system presently exists for this type of application. Coast Guard will continue to monitor developments in the industry and promulgate standards and requirements where appropriate.

In answer to M-76-16, recommending identification of those "dry" bulk cargoes which can threaten a ship's stability when water is added and publication of this information with a description of

the hazard in a Navigational and Vessel Inspection Circular, Coast Guard states that it is now developing proposed regulations for additional bulk cargoes and that efforts to identify the degree to which various bulk cargoes affect stability when water is added have begun. Information will be disseminated to vessel owners and operators as soon as it is developed. Further response to this recommendation and M-76-17 will be delivered prior to 1 June 1978.

M-76-17 asked Coast Guard to establish, with assistance of the National Cargo Bureau, Inc., procedures for detecting water infiltration into bulk cargoes while the vessel is at sea. Coast Guard is now developing proposed regulations which contain recommendations for detecting water in bulk cargoes. Also, Coast Guard states, the IMCO Code of Safe Practice for Bulk Cargoes contains similar recommendations.

Responding to M-76-18, Coast Guard states that the means of communicating rapid technical advice to vessel masters and Coast Guard field unit personnel, as recommended, exist within present capabilities.

Concerning M-76-19, which asked Coast Guard to advise masters of vessels that carry bulk cargoes that may affect ship stability adversely when water is added to alert Coast Guard immediately if water leaks into the cargo, Coast Guard indicates it will draft a Navigation and Vessel Inspection Circular informing all shipping personnel of the multiple effects loose water in a bulk cargo ship may have an encouraging the master to seek help from Coast Guard by radio if necessary. Further response will be delivered before 1 September, next.

*Response from Radio Technical Commission for Marine Services (RTCM)—*

*Re M-72-16.*—The Safety Board's 1972 special study, "Collisions Within the Navigable Waters of the United States," recommended that RTCM's Special Committee 65 (SC-65) continue its work on developing general standards or specifications for shipboard collision avoidance systems so that the standards may be used by the marine industry for evaluating the effectiveness of the various systems available or currently under development.

In response to M-76-16, under date of February 25, 1977, RTCM, citing conclusion No. 9 of the Board's study as in essence defining these collision avoidance systems, has submitted a series of nine appendices detailing work accomplished in implementing the recommendation. Conclusion No. 9 of the study specified that a complete collision avoidance system should perform these six basic functions: Position determination, vessel identification, surveillance, rapid data processing and prediction, communications, and decisionmaking. RTCM notes that the Board's study also states, " . . . the system must be reliable in fulfilling its basic function. The personnel who operate the system should be well trained and experienced. . . . "



RTCM reports that with two exceptions SC-65 has addressed itself to all of the listed basic functions. Results of the Committee's deliberations with respect to all of the topics considered are:

Vessel identification, referring to transponders: The Committee has developed and published a set of specifications for such a device, namely, "Specification for a Marine Radar Interrogator-Transponder System" (RTCM Paper 23-76/EC-188/SC 65-206). (Appendix I)

Surveillance, referring to radars: The Committee has developed and published these four separate sets of radar specifications:

(1) Performance Specification for a General Purpose Navigational Radar Set for Ocean-going Ships of 1,600 Tons Gross Tonnage and Upwards for New Radar Installations (RTCM Paper 104-74/EC 140) (Appendix II.)

(2) Performance Specification for a General Purpose Navigational Radar Set for Ocean-going Ships of 1,600 Tons Gross Tonnage and Upwards for Ships Already Fitted (RTCM Paper 106-75/EC-187/SC 65-191). (Appendix III.)

(3) Performance Specification for a General Purpose Navigational Radar Set for Vessels of Less than 1,600 Tons but Greater than 150 Tons Gross Tonnage for New Radar Installations (RTCM Paper 107-75/EC-168/SC 65-192) (Appendix IV.)

(4) Radar Performance Requirements for Radar on Vessels of Less than 150 Gross Tons (RTCM Paper 22-77/EC-215/SC 65-233) (Appendix V.)

Rapid data processing and prediction, referring to anticollision devices: The Committee has developed and published a set of specifications for such a device, namely: "Performance Specification for a Computer Aided Collision Avoidance System for Merchant Ships" (RTCM Paper 171-76/EC-205/SC 65-226, Rev. 1-19-77). (Appendix VI.)

Communications, referring to VHF bridge-to-bridge radio: The Committee developed specifications for bridge-to-bridge radiotelephone and submitted them to the Federal Communications Commission as comments in the latter's notice of proposed rulemaking, Docket 19343. Their substance is presently embodied in Subpart X of Part 83 of the Federal Communications Commission's Rules and Regulations, entitled, "Radiotelephone Stations Provided for Compliance with the Vessel Bridge-to-Bridge Radiotelephone Act." (Appendix VII.)

Of the two additional criteria specified in the study, the first refers to reliability. SC-65 has to date published a paper which addresses one facet of the problem only; it is entitled "Resources for On-Board Preventive and Corrective Maintenance of Radar Equipment" (RTCM Paper 21-77/EC-214/SC 65-232, Rev. 2-11-77). Appendix VIII) With respect to the second of the two criteria, the training of personnel, SC-65 has published a paper concerned with the training of maintenance and repair personnel. The paper is entitled, "Licensing for Radar Service" (RTCM Paper 103-74/EC-139). (Appendix IX.)

In addition to the papers listed above, SC-65 is now developing a specification and standards for anticollision devices less sophisticated than those described in Appendix VI. RTCM states with respect to evaluation of these anticollision devices that a first attempt at a "methods" paper entitled "Evaluating Simple Collision Avoidance Systems: An Approach to the Problem" was submitted to the

Safety Board under date of March 10, 1976. The hope expressed therein to develop a more powerful and detailed method has thus far failed to materialize, according to RTCM. RTCM notes that SC-65 is also currently working on important facets of the reliability-maintainability problem supplementary to those described in Appendices VIII and IX; some of these, e.g., one on "Redundancy" and one on "Antenna Siting," are near completion.

#### PIPELINE RECOMMENDATION RESPONSE

*Response from the Materials Transportation Bureau, U.S. Department of Transportation—*

*Re P-76-43 through P-76-47.*—Letter dated March 2 comments on the recommendations issued to DOT following investigation of a hotel explosion and fire in Fremont, Nebraska, January 10, 1976. (See 41 FR 41766, September 23, 1976.)

In its response to P-76-43, recommending a study of the plastic-to-steel transition problem and appropriate regulatory action to be taken to correct any unsafe practices, MTB comments that the necessary equipment and technology are now available for making plastic-to-steel joints safely. MTB notes that most failures at plastic-to-steel connections have occurred with mechanical joints, particularly compression connections, and that poor workmanship in installing otherwise satisfactory equipment has negated the effectiveness of much of the applicable technology. This was repeatedly pointed out in the contract study that the Office of Pipeline Safety Operations (OPSO) has performed on "Pipeline Industry's Practices Using Plastic Pipe in Gas Pipeline Facilities and the Resulting Safety Factors." MTB indicates that OPSO will soon initiate a proposed rulemaking to establish procedures and workmanship requirements for personnel installing plastic pipelines.

Further with reference to P-76-43, MTB is now preparing for a 5-day training course on Joining of Pipeline Materials, scheduled for Federal and State pipeline safety agency staff members at the Transportation Safety Institute (TSI) beginning this spring. This course will emphasize joining plastic pipe and the making of metallic/plastic piping connections. MTB further notes that OPSO is encouraging development of new requirements for compression fittings with plastic pipe, under a joint effort of the Plastic Pipe Institute (PPI), the American Society of Mechanical Engineers (ASME), and the American Society for Testing Materials (ASTM). These requirements will be added to ASTM D2513, one of the referenced specifications for plastic pipe in Part 192. The inputs of these industry groups are also being sought by OPSO in developing material for the TSI training course, MTB advises.

In commenting on P-76-44, which requested revision of 49 CFR 192.281(e) (2), to require compatibility of stiffeners with compression couplings so that pipes cannot pull out of the couplings, MTB notes that §§ 192.273(a), 192.281(a), and

192.281(e) (2) require the compatibility of the stiffeners used with the coupling to meet the strength required. According to MTB, revisions to ASTM D2513 to be made by PPI, ASTM, and ASME are expected to develop comprehensive installation and testing criteria to assure that compression couplings be installed in such a manner that they will not pull out under the anticipated operating stresses or loading.

Recommendation P-76-45 asked for a determination whether there are locations or circumstances where standard compression couplings are unsafe and amendment to 49 CFR Part 192 accordingly to prohibit their use for such applications. MTB comments that this is a repeat of recommendation P-73-3 resulting from the Safety Board's investigation of the October 30, 1972, Lake City, Minnesota, pipeline explosion. In reviewing that accident, MTB found that in some cases there is no feasible alternative to installing compression couplings. MTB believes that a properly installed compression coupling can be utilized "in virtually all locations or circumstances." MTB states that at this time there is no evidence that use of compression couplings must be predicated on the location or other circumstance; there are many situations where the flexibility offered by the use of a mechanical coupling is an added safety factor. According to MTB, a special study to define where mechanical joints should be used will require considerable staff time which would result in a comparatively minor improvement in safety.

Recommendation P-76-46 asked for an analysis of the methods which operators use to receive and respond to emergency calls and, based upon the analysis, amendment of 49 CFR Part 192 to specify minimum acceptable standards. MTB refers in response to two earlier pipeline accidents—one at Burlington, Iowa, and one at Annandale, Virginia—and Safety Board recommendations Nos. 70-P-32 and P-72-42 which followed. MTB states that as a result of these recommendations and the experience gained in its continuing evaluation of the regulations, § 192.615 on emergency plans was amended. This amendment, published at 41 FR 13586, March 31, 1976, established minimum requirements for emergency calls and the response thereto; revised § 192.615(a) covers this in particular.

With reference to P-76-47, calling for amendment of 49 CFR Part 192 to require that operators record the receipt of emergency calls, the response to the calls, and the time of each significant action taken by the operator, MTB cites amended §§ 192.603(b) and 192.615. MTB believes that these amendments fulfill the intent of recommendation P-76-47.

The above consists of abridgements of safety recommendation responses received during the week preceding publication of this notice. Copies of the response letters in their entirety may be obtained at a cost of \$4.00 for service and 10¢ per page for reproduction. All requests must be in writing, identified by recommendation number and



date of publication of this notice in the FEDERAL REGISTER. Address inquiries to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

(Sec. 307 of the Independent Safety Board Act of 1974 (Pub. L. 93-633, 88 Stat 2172 (49 U.S.C. 1906)).)

MARGARET L. FISHER,  
Federal Register Liaison Officer.

MARCH 14, 1977.

[FR Doc.77-7946 Filed 3-16-77;8:45 am]

**OFFICE OF  
TELECOMMUNICATIONS POLICY  
ELECTROMAGNETIC RADIATION  
MANAGEMENT ADVISORY COUNCIL  
Meeting**

Notice is hereby given that the Electromagnetic Radiation Management Advisory Council (ERMAC) will meet at 9:00 a.m., in room 540, 1800 G Street NW., Washington, D.C. on Tuesday, April 5, 1977 and on Wednesday, April 6, 1977.

The principal agenda items will consist of presentations on programs to evaluate biological effects of nonionizing electromagnetic radiation. On April 5 presentations will be made by the Department of Health, Education and Welfare. On April 6 presentations will be made by the National Bureau of Standards, Federal Aviation Administration, Federal Communications Commission, National Science Foundation and the Veterans Administration.

The meetings will be open to the public; any member of the public will be permitted to file a written statement with the Committee, before or after the meeting.

Information regarding the Committee may be obtained from Lt. Cmdr. Peter S. Labyak, Office of Telecommunications Policy, Washington, D.C. 20504 (telephone: 202-395-4737).

Dated: March 11, 1977.

L. DANIEL O'NEILL,  
Advisory Committee  
Management Officer.

[FR Doc.77-7906 Filed 3-16-77;8:45 am]

**PENSION BENEFIT GUARANTY  
CORPORATION**

**MULTIEMPLOYER PLANS**

**Extension of Comment Period**

On December 3, 1976 the Pension Benefit Guaranty Corporation published in the FEDERAL REGISTER, 41 FR 53149, an invitation for comments and suggestions with respect to the prospective mandatory application of Title IV of the Employee Retirement Income Security Act of 1974 to multiemployer plans on January 1, 1978. The period for submission of comments and suggestions in response to such invitation is hereby extended to April 15, 1977.

Issued at Washington, D.C., this 15th day of March, 1977.

RAY MARSHALL,  
Chairman, Board of Directors,  
Pension Benefit Guaranty  
Corporation.

[FR Doc.77-8204 Filed 3-16-77;8:45 am]

**U.S. RAILROAD RETIREMENT  
BOARD**

**Notice of Meeting**

Notice is hereby given that a meeting of the Railroad Retirement Board will be held March 23, 1977, commencing at 10 a.m. in the Board's meeting room on the 8th floor of its headquarters building at 844 Rush Street, Chicago, Illinois 60611.

The agenda for this meeting is as follows: (1) Proposal to change the Elmira, New York, district office to a full-time 2-man base point.

(2) Regional Directors meeting—change of date.

(3) Medicare—approval of lease agreement with Raytheon Data Systems Company.

(4) Union complaints on authorization of claims by GS-7 employees and on interpretation of the merit promotion policy in the union-board agreement.

(5) Crediting of regular railroad tax account and supplemental annuity account with correct amount of taxes paid with respect to each.

(6) EDP priorities—rate history file.

The meeting will be open to the public.

ROBERT A. RUSSELL,  
Washington Liaison Officer.

[FR Doc.77-7879 Filed 3-16-77;8:45 am]

**AMENDMENT TO NOTICE OF MEETING**

Under date of March 14, 1977, notice was given of a meeting of the Railroad Retirement Board to be held March 23, 1977, commencing at 10 a.m. in the Board's meeting room on the 8th floor of its headquarters building at 844 Rush Street, Chicago, Illinois 60611. The agenda for the meeting listed six items.

Through an oversight the following items were omitted from the notice of that meeting:

(7) Forecast of additional vehicle needs through fiscal 1977, requested by General Services Administration.

(8) Invitation by Association of Government Accountants to nominate a board employee for their Distinguished Leadership Award.

(9) Requested report to the Department of Labor on the Board's Occupational Safety and Health Program.

The entire meeting will be open to the public.

ROBERT A. RUSSELL,  
Washington Liaison Officer.

[FR Doc.77-8271 Filed 3-16-77;9:06 am]

**SMALL BUSINESS  
ADMINISTRATION**

[License No. 04/05-5103]

**FLORIDA CROWN, MESBIC  
Notice of License Surrender**

Notice is hereby given that Florida Crown, MESBIC (Florida), 604 Hogan Street, Jacksonville, Florida 32202, has surrendered its license to operate as a small business investment company under section 301(d) of the Small Business Investment Act of 1958, as amended (the Act).

Florida was licensed by the Small Business Administration on January 24, 1972.

Under the authority vested by the Act and pursuant to 13 C.F.R. 107.105 (1976), the surrender of Florida's license is hereby approved. Accordingly, all rights, privileges and franchises derived from the license are hereby terminated.

(Catalog of Federal Domestic Assistance Programs Number 59.011, Small Business Investment Companies.)

Dated: March 10, 1977.

PETER F. McNEISH,  
Deputy Associate  
Administrator for Investment.

[FR Doc.77-7845 Filed 3-16-77;8:45 am]

**PROVIDENCE DISTRICT ADVISORY  
COUNCIL**

**Public Meeting**

The Small Business Administration Providence District Advisory Council will hold a public meeting at 12 noon, Monday, April 4, 1977, at the Governor Dyer's Buffet House, Providence, Rhode Island, to discuss such matters as may be presented by members, staff of the Small Business Administration, and others attending.

For further information write or call Charles J. Fogarty, U.S. Small Business Administration, 57 Eddy Street, Providence, Rhode Island 02903, (401) 528-4580.

Dated: March 15, 1977.

ANTHONY S. STASIO,  
Acting Assistant Administrator  
for Advocacy and Public Com-  
munications.

[FR Doc.77-8225 Filed 3-16-77;8:45 am]

**DEPARTMENT OF STATE**

**Agency for International Development  
AID AFFAIRS OFFICER, INDIA**

**Redelegation of Authority**

FEBRUARY 14, 1977.

Pursuant to the authority delegated to me by Delegation of Authority No. 5, dated December 29, 1961 (27 FR 449), as amended, and Delegation of Authority No. 112, dated October 8, 1975 (40 FR



48955), I hereby redelegate to the individual listed above and to any person acting in the official capacity of AID Affairs Officer, India, authority to perform the following functions, retaining for myself concurrent authority to exercise any of the functions herein redelegated:

1. Authority to implement loan agreements with respect to loans authorized under the Foreign Assistance Act of 1961 and any successor legislation and by the Board of Directors of the Corporate Development Loan Fund to the following extent:

(a) Authority to prepare, negotiate, sign and deliver letters of implementation; and

(b) Authority to negotiate, execute and implement all agreements and other documents ancillary to such loan agreements.

The authorities enumerated above may be redelegated by the individual listed above, but not successively redelegated.

2. The Redelegation of Authority No. 164-5, Attachment A, dated June 11, 1965, from William Macomber, Jr., Assistant Administrator, Bureau for Near East and South Asia with respect to loans authorized under the Foreign Assistance Act of 1961 and by the Board of Directors of the Corporate Development Loan Fund insofar as it relates to India is hereby rescinded.

3. This Redelegation of Authority shall be effective immediately.

MICHAEL H. B. ADLER,  
Acting Assistant Administrator  
Bureau for Asia.

[FR Doc. 77-7897 Filed 3-16-77; 8:45 am]

[Public Notice CM-7/41]

**STUDY GROUP CMTT OF THE U.S. NATIONAL COMMITTEE FOR THE INTERNATIONAL RADIO CONSULTATIVE COMMITTEE (CCIR)**

**Meeting**

The Department of State announces that Study Group CMTT of the U.S. National Committee for the International Radio Consultative Committee (CCIR) will meet on April 13, 1977, at 10:00 a.m. in Room 4071, Communications Satellite Corporation, 950 L'Enfant Plaza, S.W., Washington, D.C.

Study Group CMTT deals with technical standards for telecommunication systems to permit the transmission of sound and television programs over long distances. The purpose of the meeting will be a review of all proposed contributions to the international meeting of CMTT in September 1977.

Members of the general public may attend the meeting and join in the discussions subject to instructions of the Chairman. Admittance of public mem-

bers will be limited to the seating available.

Dated: March 11, 1977.

GORDON L. HUFFCUTT,  
Chairman, National Committee  
for the International Radio  
Consultative Committee.

[FR Doc. 77-7896 Filed 3-16-77; 8:45 am]

[Public Notice CM-7/42]

**STUDY GROUP 7 OF THE U.S. NATIONAL COMMITTEE FOR THE INTERNATIONAL RADIO CONSULTATIVE COMMITTEE (CCIR)**

**Meeting**

The Department of State announces that Study Group 7 of the U.S. National Committee for the International Radio Consultative Committee (CCIR) will meet on April 15, 1977, at the NASA/Goddard Space Flight Center, Greenbelt Road, Building 12, Room C206, Greenbelt, Maryland. The meeting will begin at 9:00 a.m.

Study Group 7 deals with time-signal services by means of radio-communications. The main purpose of the meeting will be a review of work assignments in preparation for the international meeting of Study Group 7 in January, 1978.

Members of the general public may attend the meeting and join in the discussions subject to instructions of the Chairman. Entrance to the Goddard Space Flight Center is controlled and all non-NASA representatives will be required to register at whichever gate is used for entry to the area. Entry for members of the general public may be facilitated if arrangements are made in advance. Therefore, it is suggested that prior to April 15, members of the general public who plan to attend the meeting should inform their name, affiliation and address to Mr. Jacques S. Herman (Secretary, U.S. Study Group 7), National Scientific Laboratories. Mr. Herman can be reached by telephone on area code 703, 698-8500.

Dated: March 11, 1977.

GORDON L. HUFFCUTT,  
Chairman, National Committee  
for the International Radio  
Consultative Committee.

[FR Doc. 77-7896 Filed 3-16-77; 8:45 am]

**DEPARTMENT OF TRANSPORTATION**

National Highway Traffic Safety  
Administration

**NATIONAL MOTOR VEHICLE SAFETY ADVISORY COUNCIL**

**Public Meeting**

Pursuant to section 10(a) (2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. D), notice is hereby given of a meeting of the National

Motor Vehicle Safety Advisory Council to be held on April 12, 13 and 14, 1977 at the Sheraton National Motor Hotel, Arlington, Virginia.

On April 12 and 13 from 8:30 a.m. to 5:00 p.m. the Council will sponsor a Workshop on Head/Neck Injury. The purpose of this workshop is to bring together leading national and international experts in the head/neck injury field (biomedical, biomechanics, and protective systems) and provide them with a forum to discuss and debate the following topics:

1. Methods for Identification of Head/Neck Injury Mechanisms and Injury Tolerance Levels.

2. Relationship of Mechanisms to Pathology of Injury.

3. Factors Necessary for Valid Surrogate Assessment of Safety System Performance.

On April 14 from 8:30 a.m. to 11:30 a.m. the full Council will meet to discuss the previous days' workshop and old/new business.

The above meetings are subject to the approval of the National Highway Traffic Safety Administrator.

With the approval of the Chairman, members of the public may present oral statements at the meeting. Any member of the public may present a written statement to the Council at any time.

Additional information may be obtained from the NHTSA Executive Secretary, room 5215, 400 Seventh Street, S.W., Washington, D.C. 20590, telephone 202-426-2872.

Issued in Washington, D.C. on: March 11, 1977.

WM. H. MARSH,  
Executive Secretary.

[FR Doc. 77-7734 Filed 3-16-77; 8:45 am]

**Office of Hazardous Materials Operations  
HAZARDOUS MATERIALS REGULATIONS  
Exemptions**

AGENCY: Materials Transportation Bureau, DOT.

ACTION: Notice of Grants and Denials of Applications for Exemptions.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given of the exemptions granted February 1977. The modes of transportation involved are identified by a number in the "Nature of Exemption Thereof" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo-only aircraft, 5—Passenger-carrying aircraft.

Application numbers prefixed by the letters EE represent applications for Emergency Exemptions.



## Renewals

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
2043-X	DOT-E 2043	U.S. Energy Research and Development Administration, Washington, D.C.	49 CFR 173.34(d), 173.301 (d)(1), (2), 173.302(a)(1).	To ship certain nonliquefied compressed gases in non-DOT specification metal cylinders. (Modes 1 and 4.)
3142-X	DOT-E 3142	do	49 CFR 173.24(a)(1)	To allow helium, argon or neon to bleed from DOT specification 3A1800 or 3A2000 cylinders integral with leak calibration apparatus. (Modes 1 and 2.)
3549-X	DOT-E 3549	do	49 CFR 173.77, 173.65 (a), (k).	To ship certain class A explosives packed in plastic bags overpacked in non-DOT steel drums. (Modes 1 and 2.)
3744-P	DOT-E 3744	Burris Chemical, Inc., Augusta, Ga.; Van Waters and Rogers, San Francisco, Calif.	49 CFR 173.296(b)(7)	To become a party to exemption 3744. (See application Nos. 76-185, 76-173, 76-190, and 3744-X.) (Modes 1 and 2.)
3941-X	DOT-E 3941	Aerojet Solid Propulsion Co., Sacramento, Calif.; Kerr McGee Chemical Corp., Oklahoma City, Okla.	49 CFR 173.239(a)(2)	To ship ammonium perchlorate in non-DOT specification 74-ft <sup>3</sup> capacity aluminum portable tanks. (Mode 1.)
4168-P	DOT-E 4168	Allied Chemical Corp., Morristown, N.J.; Union Carbide Corp., Tarrytown, N.Y.	49 CFR 173.304(a)(2)	To become a party to exemption 4168. (See application No. 4168-X.) (Modes 1 and 2.)
4453-X	DOT-E 4453	W. A. Murphy, Inc., El Monte, Calif.; Sierra Chemical Co., Reno, Nev.	49 CFR 173.182(c)	To ship nitro carbo nitrate in hopper-type aluminum tanks. (Mode 1.)
4400-X	DOT-E 4400	National Aeronautics and Space Administration, Washington, D.C.; Air Products & Chemicals, Inc., Allentown, Pa.	49 CFR 173.316(a)	To ship liquefied hydrogen in a non-DOT specification vacuum insulated cargo tank designed and constructed in accordance with sec. VIII of the ASME code. (Mode 1.)
4613-X	DOT-E 4613	MC/B Manufacturing Chemists, Norwood, Ohio.	49 CFR Part 173	To ship certain hazardous materials in small quantities in inside glass bottles not over 2.2 lb net weight overpacked in key opening metal cans in a 12B fiberboard box. (Mode 1.)
4720-X	DOT-E 4720	U.S. Energy Research and Development Administration, Washington, D.C.	46 CFR 173.245	To ship certain corrosive liquids, n.o.s. in non-DOT seamless monel cylinders overpacked in a strong wooden box. (Mode 1.)
4850-X	DOT-E 4850	Ensign Bickford Co., Slingsbury, Conn.; Baroid Petroleum Services, Houston, Tex.; Halliburton Co., Duncan, Okla.	49 CFR 173.100(cc)	To qualify and ship certain flexible linear shaped charges as class C explosives. (Modes 1, 2, and 4.)
4867-X	DOT-E 4867	Herules Inc., Wilmington, Del.	49 CFR 173.339(a)(3)	To ship nitrogen tetroxide, liquid in DOT specification 110A500-W stainless steel tanks. (Modes 1 and 2.)
5122-X	DOT-E 5122	E. I. du Pont de Nemours & Co., Inc., Wilmington, Del.	49 CFR 173.314(c)	To ship hexafluoroacetone in DOT specification 106A500-X and 110A500-W multilift tank car tanks. (Modes 1 and 2.)
5322-P	DOT-E 5322	Union Carbide Corp., Tarrytown, N.Y.	49 CFR 173.101, 173.315(a)	To become a party to exemption 5322. (See application No. 5322-X.) (Mode 1.)
5736-P	DOT-E 5736	El Paso Products Co., Odessa, Tex.; Stauffer Chemical Co., Westport, Conn.	do	To become a party to exemption 5736. (See application No. 5736-X.) (Modes 2 and 3.)
5876-X	DOT-E 5876	FMC Corp., Philadelphia, Pa.	49 CFR part 107, appendix B, 173.365, 173.241.	To allow an alternate multiwall bag packaging for the shipment of class B poison. (Modes 1, 2, and 3.)
5945-P	DOT-E 5945	Air Products and Chemicals, Inc., Allentown, Pa.	49 CFR 173.215, 173.245	To become a party to exemption 5945. (See application No. 76-253.) (Mode 1.)
6116-X	DOT-E 6116	AAI Corp., Baltimore, Md.	49 CFR 173.385(b), 173.3	To ship tear gas grenades with functioning elements assembled therein. (Modes 1, 2, 3, and 4.)
6197-P	DOT-E 6197	Connecticut Light and Power Co., Berlin, Conn.	49 CFR 173.315(a)(1), 173.101	To become a party to exemption 6197. (See application No. 6197-X.) (Mode 1.)
6231-X	DOT-E 6231	Petrolite Corp., Barnsdall, Okla.; Northern Petrochemical Co., Des Plaines, Ill.; El Paso Products Co., Odessa, Tex.; Stauffer Chemical Co., Westport, Conn.	49 CFR 173.101, 173.314	To ship liquefied ethylene in non-DOT specification, vacuum insulated tank car tank designed and constructed to comply with the AAR proposed specification 113C120W or 113C00W tank cars. (Mode 2.)
6250-P	DOT-E 6250	National Aeronautics and Space Administration, Washington, D.C.	49 CFR Part 173, 176.83, 177.848.	To become a party to exemption 6250. (See application No. 75-124.) (Modes 1 and 3.)
6260-X	DOT-E 6260	Amtrol, Inc., West Warwick, R.I.	49 CFR 173.302(a)	To ship compressed air or nitrogen in non-DOT specification, single-trip welded steel tanks. (Modes 1, 2, and 3.)
6397-P	DOT-E 6397	Penawalt Corp., Philadelphia, Pa.	49 CFR 173.346(a)	To become a party to exemption 6397. (See application Nos. 75-131, 75-108.) (Modes 1 and 2.)
6602-P	DOT-E 6602	Velsicol Chemical Corp., Chicago, Ill.	49 CFR 173.245(a), 173.314 (c), 173.315(a)(1).	To become a party to exemption 6602. (See application No. 6602-X.) (Modes 1 and 2.)
6671-P	DOT-E 6671	Dow Corning Corp., Midland, Mich.	49 CFR 173.1; part 173, subpart D, F and H; 177.834.	To become a party to exemption 6671. (See application No. 6671-X and 76-211.) (Modes 1 and 2.)
6700-X	DOT-E 6700	Container Corp. of America, Wilmington, Del.; Hooker Chemicals and Plastics Corp., Niagara Falls, N.Y.	49 CFR Part 173, 173.19	To authorize shipment of thionyl chloride in the non-DOT specification, reusable, 55-gal polyethylene container. (Modes 1, 2, and 3.)
6723-P	DOT-E 6723	Van De Mark Chemical Co., Inc., Lockport, N.Y.	49 CFR 173.247(a)(17)	To become a party to exemption 6723. (See application No. 75-196.) (Mode 1.)
6756-X	DOT-E 6756	E. I. du Pont de Nemours & Co., Inc., Wilmington, Del.; Atlas Powder Co., Dallas, Tex.; Herules Inc., Wilmington, Del.	49 CFR 177.835(g)(2), 173.87	To ship various class A or B explosives with no blasting caps included in accordance with 49 CFR 177.835(g)(2). (Mode 1.)
6794-X	DOT-E 6794	FCX, Inc., Raleigh, N.C.	49 CFR 173.358, 173.330	To ship class B poisonous liquids in ASME code twin tanks. (Mode 1.)
6826-X	DOT-E 6826	McDonnell Douglas Astronautics Co., Huntington Beach, Calif.	49 CFR 173.92(b)	To ship miniature rocket motors with igniters assembled therein. (Modes 1 and 4.)
6838-X	DOT-E 6838	Douglas Aircraft Co., Long Beach, Calif.; Air Cruisers Co., Belmont, N.J.; American Airlines, Tulsa, Okla.	49 CFR 173.108(a)	To ship hand signal devices integral to life raft or slide raft packages. (Modes 1, 4, and 5.)
6858-X	DOT-E 6858	Sea Containers, Inc., Hamilton, Bermuda; Eurotainer Co., Paris, France; Bacardi International Ltd., Hamilton, Bermuda.	49 CFR 173.119(b), 173.125, 173.346(a)(12).	To ship certain flammable liquids and other hazardous materials in a non-DOT specification stainless steel portable tank. (Modes 1, 2, and 3.)
6908-X	DOT-E 6908	Airessearch Manufacturing Co. of Arizona, Phoenix, Ariz.	49 CFR 173.302(a)(1)	To ship certain compressed gases in non-DOT specification steel spherical pressure vessels, nonrefillable, constructed in accordance with DOT specification 39 with certain exceptions. (Modes 1, 2, and 4.)
6921-P	DOT-E 6921	Kansas Refined Helium Co., Wichita, Kan.; Alreo Industrial Gases, Murray Hill, N.J.	49 CFR 173.101, 173.315 (a)(1).	To become a party to exemption 6921. (See application No. 6921-X.) (Modes 1 and 3.)
7070-X	DOT-E 7070	Lea-Rosal, Inc., Freeport, N.Y.; Engelhard Ind., Providence, R.I.; American Chemical and Refining Co., Waterbury, Conn.; Technic, Inc., Cranston, R.I.; Auric Corp., Newark, N.J.; Oxy Metal Industries, Inc., Nutley, N.J.	49 CFR 175.3, 175.630	To ship a poison B solid in inside threaded, widemouth plastic jar overpacked in DOT specification 2N metal cans in a 12B65 fiberboard box. (Modes 4 and 5.)



Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
7261-X	DOT-E 7261	Monsanto Co., St. Louis, Mo.	49 CFR 173.190(d)	To ship phosphorus solid sludge residue in non-DOT specification storage tanks. (Mode 2.)
7265-X	DOT-E 7265	Alair, Inc., Anniston, Ala.	49 CFR 172.161, 172.204(c) (3), 173.27, 175.30(a)(1).	To reidentify the air carrier consistent with corporate name change. (Mode 4.)
7413-X	DOT-E 7413	Chilton Metal Products Division, Western Industries, Inc., Chilton, Wis.	49 CFR 173.304(a)(1), 178.42, 175.3.	To ship carbon dioxide, liquefied in a non-DOT specification brazed steel cylinder complying with DOT specification 3E with certain exceptions. (Modes 1, 2, and 4.)

## NEW EXEMPTIONS

7463-N	DOT-E 7463	R. J. Landry, Lafayette, La.	49 CFR 173-118; 46 CFR 90.05-35, 98.35-3.	To ship flammable liquids and combustible liquids in ASME code portable tanks. (Mode 3.)
7519-N	DOT-E 7519	The Barto Corp., Teaneck, N.J.	49 CFR 178.205-7(b), 175.3.	To ship certain hazardous materials in specification DOT 12B fiberboard boxes, closed with pressure-sensitive tape. (Modes 1, 2, 3, and 4.)
7528-N	DOT-E 7528	Central Steel Drum Co., Newark, N.J.	49 CFR 173.28(c), 178.118-10(a).	To recondition, convert, mark, and sell 18-gage steel drums complying with DOT specification 17H, with certain exceptions, for shipment of hazardous materials. (Modes 1, 2, and 3.)
7536-N	DOT-E 7536	U.S. Department of Defense, Washington, D.C.	46 CFR 146.20-41	To allow an increase in the maximum allowable draft weights for 5 and 10-ton rated booms for handling military explosives. (Mode 3.)
7541-N	DOT-E 7541	E. I. du Pont de Nemours Co., Inc., Wilmington, Del.	49 CFR 173.315(a)	To ship certain flammable and nonflammable compressed gases in a non-DOT specification portable tank. (Modes 1 and 3.)
7559-N	DOT-E 7559	Romson Corp., Ogetown, Del.	49 CFR 173.134	To ship aluminum borohydride in a non-DOT brass cylinder packed in a can overpacked in a fiberboard box. (Modes 1, 2, and 3.)
7574-N	DOT-E 7574	Remmers-Tomkins Flight Service, Inc., Burlington, Iowa.	49 CFR 172.101, 172.201(c)(3), 173.27, 175.30(a)(1).	To ship certain class A, B, and C explosives that are not permitted for shipment by air, or are in quantities greater than those prescribed for shipment by air, in 49 CFR parts 172 through 178. (Mode 4.)
7578-N	DOT-E 7578	U.S. Department of Defense, Washington, D.C.	49 CFR 173.93(a)(10)	To ship certain class B explosives in DOT specification 21C fiber drum. (Mode 2.)
7593-N	DOT-E 7593	McDonnell-Douglas, Tulsa, Okla.	49 CFR 173.304(a)	To ship ammonia, anhydrous in a non-DOT specification heat pipe assembly. (Modes 1 and 2.)

## EMERGENCY EXEMPTIONS—APPLICATIONS RECEIVED AND GRANTED

EE4453-N	DOT-E 4453	M. J. Baxter Drilling Co., Victorville, Calif.	49 CFR 173.182(c)	To ship nitro carbo nitrate in hopper-type aluminum tanks. (Mode 1.)
EE7634-N	DOT-E 7634	U.S.S. Agri-Chemicals, Atlanta, Ga.	49 CFR 173.314(c), 173.31(e)	To ship anhydrous ammonia in four DOT specification 112A340W tank cars overdue for retest. (Mode 2.)
EE7635-N	DOT-E 7635	Rogers Cartage, Inc., Oaklawn, Ill.	49 CFR 173.313(a)	To ship propane in two MC-330 tank motor vehicles not equipped with internal shutoff valves. (Mode 1.)
EE7637-N	DOT-E 7637	Tank Car Services Co., Houston, Tex.	49 CFR 173.314(c), 173.31(e)	To ship liquefied petroleum gas in DOT specification 112A400W tank cars overdue for retest. (Mode 2.)
EE7639-N	DOT-E 7639	Chemical Tank Lines, Inc., Mulberry, Fla.	49 CFR 173.335(d), 173.315(a)(1).	To ship propane in one MC-331 tank motor vehicle overdue for retest. (Mode 1.)
EE7641-N	DOT-E 7641	American President Lines, Seattle, Wash.	49 CFR 178.905(c)	To transport motor vehicles having fuel tank one-fourth or less full. (Mode 3.)
EE7659-N	DOT-E 7659	Alaska International Air, Fairbanks, Alaska.	49 CFR 173.101, 175.20, 175.320.	To transport liquefied petroleum gas in two DOT-51 portable tanks.

## DENIALS

- 6787-X—Request by Charter International Oil Co., Houston, Tex.—To become a party to Exemption No. 6787, authorizing the shipment of certain hazardous materials in a DOT Specification 34 polyethylene container, denied February 10, 1977. (Application preempted)
- 6948-X—Request by Cotton States Chemical Co., Inc., West Monroe, La.—To ship organic phosphate compounds and mixtures in DOT Specification 51 steel portable tanks, denied February 28, 1977. (Docket HM-139 obviates the need)
- 7431-N Request by Billings Energy Corporation, Provo, Utah—To ship hydrogen absorbed in an iron-titanium hydride in the non-DOT specification cylinder authorized in DOT-E 6498 and DOT Specification cylinders 3A, 3AA, 3AX, and 3AAX, denied February 16, 1977.
- 7522-N Request by Aldrich Chemical Company, Inc., Milwaukee, Wis.—To authorize use of boxes built in accordance to DOT Specification 15A, except that the wood is to be CDX plywood, for any commodity for which the 15A is authorized, denied February 10, 1977.
- 7535-N Request by Martin Marietta Chemicals, Charlotte, N.C.—To transport a corrosive liquid in non-DOT specification cargo tanks, denied February 14, 1977.
- 7545-N Request by Fabricated Metals, Inc., Modena, Pa.—To ship certain flammable liquids in non-DOT Specification 57 portable tank, denied February 14, 1977. (Docket HM-139 obviates the need)

- 7556-N Request by Transnuclear, Inc., White Plains, N.Y.—To ship natural uranium concentrate in freight containers bearing the IMCO placard, denied February 15, 1977.
- 7561-N Request by Rapid Electroplating Process, Inc.—Chicago, Ill.—To ship sodium cyanide solutions, classed as Class B poison, in unlabeled packages, denied February 4, 1977.
- 7562-N Request by AMVAC Chemical Corp., Los Angeles, Calif.—To ship organic phosphate compounds and mixtures thereof in DOT Specification 34 drums, denied February 28, 1977.
- 7564-N Request by Intsel Corp., New York, N.Y.—To renew USCG SP 26-72 authorizing the shipment of hydrogen peroxide, of not over 52 percent by weight, in a DOT Specification 34 container, denied February 8, 1977. (Docket HM-112 obviates the need)

NOTE.—Inadvertently omitted from the 42 F.R. 37 publication of Grants and denials during January 1977 is the following:

- 7473-N—Request by Monsanto Co., St. Louis, Mo.—For reconsideration of denial of application to ship certain oxidizing materials in a non-DOT specification removable head, blow-molded, plastic drum, denied January 28, 1977.

J. R. GROTHE,  
Chief, Exemptions Branch, Office of Hazardous Materials Operations.

[FR Doc. 77-7677 Filed 3-16-77; 8:45 am]

## DEPARTMENT OF THE TREASURY

Office of the Secretary

## ROUND HEAD STEEL DRUM PLUGS FROM JAPAN

## Determination of Sales at Less Than Fair Value

Information was received on May 5, 1976, from counsel acting on behalf of Allen-Stevens Drum Accessories Corporation, Somerset, New Jersey, alleging that round head steel drum plugs from Japan are being, or are likely to be, sold in the United States at less than fair value, thereby causing injury to, or 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 June 11, 1976 (41 FR 23732).

A "Withholding of Appraisal Notice" was published in the FEDERAL REGISTER of December 15, 1976 (41 FR 54829).



#### DETERMINATION OF SALES AT LESS THAN FAIR VALUE

I hereby determine that, for the reasons stated below, round head steel drum plugs from Japan are being, or are likely to be, sold at less than fair value within the meaning of section 201(a) of the Act (19 U.S.C. 160(a)).

#### STATEMENT OF REASONS ON WHICH THIS DETERMINATION IS BASED

The reasons and bases for the above determination are as follows:

a. *Scope of the investigation.* It appears that all imports of the subject merchandise from Japan were manufactured by Enomoto Industries Company, Ltd., Takashi City, Japan. Therefore, the investigation was limited to this manufacturer.

b. *Basis of comparison.* For the purpose of considering whether the merchandise in question is being, or is likely to be, sold at less than fair value within the meaning of the Act, the proper basis of comparison is between purchase price and the home market price of such or similar merchandise. Purchase price, as defined in section 203 of the Act (19 U.S.C. 162), was used since all export sales were made to a non-related Japanese trading company for resale to the United States. Home market price, as defined in § 153.2, Customs Regulations (19 CFR 153.2), was used since such or similar merchandise was sold in the home market in sufficient quantities to provide a basis for fair value purposes.

In accordance with § 153.31(b), Customs Regulations (19 CFR 153.31(b)), pricing information was obtained concern imports and home market sales of the subject merchandise from Japan during the 6-month period January 1 through June 30, 1976.

c. *Purchase price.* For the purpose of this determination of sales at less than fair value, since all of the merchandise was purchased or agreed to be purchased prior to the time of exportation, by the person by whom or for whose account it was purchased, within the meaning of section 203 of the Act, the purchase price has been calculated on the basis of the ex-warehouse, Japanese port, packed price to the trading company, with a deduction for inland freight.

d. *Home market price.* For the purposes of this determination of sales at less than fair value, the home market price has been calculated on the basis of the delivered, packed price. Adjustments have been made for freight and interest costs. Adjustments for interest costs relate to extended payment terms granted to customers in the home market.

Adjustments were claimed by counsel for the manufacturer for differences in circumstances of sale in accordance with § 153.10, Customs Regulations (19 CFR 153.10), for sales expenses, inventory warehousing expenses, administrative expenses, and technical service expenses.

These expenses do not bear a direct relationship to the sales under consideration and no adjustment has been allowed for these expenses.

Adjustments to the home market price, in purchase price situations, are allowed only for circumstances of sales which bear a direct relationship to the sales under consideration. Accordingly, the sales expenses, inventory warehousing expenses, and administrative expenses are not allowable adjustments, since these expenses must be borne regardless of whether particular sales are made. The technical service expenses pertained to flanges rather than drum plugs, so they are not related to the sales under consideration.

e. *Result of fair value comparison.* Using the above criteria, purchase price was found to be lower than the home market price of such or similar merchandise. Comparisons were made on 100 percent of the subject merchandise sold to the United States during the period of investigation by the manufacturer investigated. Margins were found, ranging from 85.7 to 118.8 percent, on 100 percent of the sales compared. The weighted average margin on all sales was 94.2 percent.

The United States International Trade Commission is being advised of this determination.

This determination is being published pursuant to section 201(d) of the Act (19 U.S.C. 160(d)).

JOHN H. HARPER,  
Acting Assistant Secretary  
of the Treasury.

MARCH 11, 1977.

[FR Doc. 77-7992 Filed 3-16-77; 8:45 am]

#### Office of the Secretary

[Public Debt Series No. 7-77]

#### TREASURY NOTES OF MARCH 31, 1979 Series N-1979

##### 1. INVITATION FOR TENDERS

1.1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites tenders for \$2,500,000,000, or thereabouts, of securities of the United States, designated Treasury Notes of March 31, 1979, Series N-1979 (CUSIP No. 912827 GP 1). The securities will be sold at auction with bidding on the basis of yield. Payment will be required at the price equivalent of the bid yield of each accepted tender. The interest rate on the securities and the price equivalent of each accepted bid will be determined as set forth below. Additional amounts of these securities may be issued in exchange for maturing Treasury securities, to Government accounts and Federal Reserve Banks for their own account and, for cash, to Federal Reserve Banks as agents of foreign and international monetary authorities.

##### 2. DESCRIPTION OF SECURITIES

2.1. The securities will be dated March 31, 1977, and will bear interest from that date, payable on a semiannual basis on September 30, 1977, and each 6 months thereafter on March 31 and September 30 until the principal becomes payable. They will mature March 31, 1979, and will not be subject to call for redemption prior to maturity.

2.2. The income derived from the securities is subject to all taxes imposed under the Internal Revenue Code of 1954. The securities are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

2.3. The securities will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

2.4. Bearer securities with interest coupons attached, and securities registered as to principal and interest, will be issued in denominations of \$5,000, \$10,000, \$100,000 and \$1,000,000. Book-entry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities of different denominations and of coupon, registered and book-entry securities, and the transfer of registered securities will be permitted.

2.5. The securities will be subject to the general regulations of the Department of the Treasury governing United States securities, now or hereafter prescribed.

##### 3. SALE PROCEDURES

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to 1:30 p.m., Eastern Standard time, Tuesday, March 22, 1977. Noncompetitive tenders, as defined below, will be considered timely if post-marked no later than Monday, March 21, 1977.

3.2. Each tender must state the face amount of securities bid for, which must be \$5,000 or a multiple thereof. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.11%. Common fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield. No bidder may submit more than one noncompetitive tender, and the amount may not exceed \$1,000,000.

3.3. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New



York their positions with respect to Government securities and borrowings thereon, may submit tenders for account of customers, provided the names of the customers and the amount for each customer are furnished. Others will not be permitted to submit tenders except for their own account.

3. 4. Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined above; Federally insured savings and loan associations; States, and political subdivisions or instrumentalities thereof; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by a deposit of 5% of the face amount of securities applied for (in the form of cash, maturing Treasury securities or readily collectible checks), or by a guarantee of such deposit by a commercial bank or a primary dealer.

3. 5. Immediately after the closing hour, tenders will be opened, following which public announcement will be made of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full at the average price (in three decimals) of accepted competitive tenders, and competitive tenders with the lowest yields will be accepted to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, a coupon rate will be determined at a  $\frac{1}{8}$  of one percent increment that translates into an average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 99.500. That rate of interest will be paid on all of the securities. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the average price of accepted competitive tenders.

3. 6. Those submitting competitive tenders will be advised of the acceptance or rejection thereof. Those submitting

noncompetitive tenders will not be notified except when the tender is not accepted in full or when the price is over par.

#### 4. RESERVATIONS

4. 1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in Section 1, and to make different percentage allotments to various classes of applicants when he deems it to be in the public interest, and the Secretary's action in any such respect shall be final.

#### 5. PAYMENT AND DELIVERY

5. 1. Settlement for securities allotted hereunder must be made or completed on or before Thursday, March 31, 1977, at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received at such institution no later than:

(a) Monday, March 28, 1977, if the check is drawn on a bank in the Federal Reserve District of the institution to which the check is submitted (the Fifth Federal Reserve District in case of the Bureau of the Public Debt), or

(b) Friday, March 25, 1977, if the check is drawn on a bank in another Federal Reserve District.

Checks received after the dates set forth in the preceding sentence will not be accepted unless they are payable at the applicable Federal Reserve Bank. Payment will not be deemed to have been completed where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5. 2. In every case where full payment is not completed on time, the deposit submitted with the tender, up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5. 3. Registered securities tendered as deposits and in payment for securities allotted hereunder are not required to be assigned if the new securities are to be

registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. Specific instructions for the issuance and delivery of the new securities, signed by the owner or his authorized representative, must accompany the securities presented. Otherwise, the presented securities should be assigned by the registered payees or assignees thereof in accordance with the general regulations governing United States securities, as hereinafter set forth. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered herein) in the name of (name and taxpayer identifying number)." If new securities in coupon form are desired, the assignment should be to "The Secretary of the Treasury for coupon (securities offered herein) to be delivered to (name and address)." Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The securities must be delivered at the expense and risk of the holder.

5. 4. If bearer securities are not ready for delivery on the settlement date, purchasers may elect to receive interim certificates. These certificates shall be issued in bearer form and shall be exchangeable for the securities offered herein, when such securities are available, at any Federal Reserve Bank or Branch or at the Bureau of the Public Debt, Washington, D.C. 20226. The interim certificates must be returned at the risk and expense of the holder.

5. 5. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established and the securities have been inscribed.

#### 6. GENERAL PROVISIONS

6. 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make such allotments as may be prescribed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of securities on full-paid allotments, and to issue interim certificates pending delivery of the definitive securities.

6. 2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

W. MICHAEL BLUMENTHAL,  
Secretary of the Treasury.

[FR Doc.76-7851 Filed 3-4-76;2:13 pm]



## INTERSTATE COMMERCE COMMISSION

[Notice No. 348]

### ASSIGNMENT OF HEARINGS

MARCH 14, 1977.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 141641 (Sub-No. 2), Wilson Certified Express, Inc., now assigned April 13, 1977, at Washington, D.C. is cancelled and application dismissed.

MC 142759, S. J. Wurmnest, DBA Wurmnest Trucking application dismissed.

MC 142308, Bob Forman Associates, Inc. now assigned April 4, 1977 at Austin, Texas is cancelled and reassigned for the 3rd day of May, 1977 (10 das.) at Charlotte, North Carolina in a hearing room to be later designated.

MC 119777 (Sub-No. 333), Ligon Specialized Hauler, Inc., now assigned March 25, 1977, at Philadelphia, Pa. is cancelled and application dismissed.

#### F.R.

MC-C 9237, Southwestern Transportation Co. and St. Louis Southwestern Railway Co.—Investigation of Operations now assigned May 3, 1977 at Dallas, Texas is cancelled.

MC 141844, Grady County Farm Lines, Inc. now assigned May 5, 1977 at Lexington, Kentucky is cancelled, application dismissed.

MC 107107 (Sub-453), Alterman Transport Lines, Inc., now being assigned April 4, 1977 (1 week) at Orlando, Florida, in the Gold Key Inn, 7100 South Orange Blossom Trail and continued to April 11, 1977 (1 week) at Miami, Florida, in Suite 121 Koger Executive Center, 8400 N.W., 52nd Street.

No. 36432 Sub 1, Fresh Fruits & Vegetables, Transcontinental Eastbound, now assigned further pre-hearing conference April 15, 1977, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-F-12935, Stanley L. Watkins, and Stan Watkin Trucking, Inc.—Investigation of Control—Tiger Transportation, Inc. and Eugene Tripp, now assigned March 28, 1977, at Billings, Mont. is cancelled.

MC 128270 Sub 17, Rediehs Interstate, Inc. now being assigned May 25, 1977 (3 days) at Chicago, Illinois in a hearing room to be later designated.

MC 136343 Sub 91, Milton Transportation, Inc. now being assigned May 23, 1977 (2 days) at Chicago, Illinois in a hearing room to be later designated.

AB 1 Sub No. 52, Chicago and Northwestern Transportation Co. Abandonment Between Rosemere and Forest Junction in Manitowoc and Calumet Counties, Wisconsin now being assigned May 18, 1977 (3 days) at Brillion, Wisconsin in a hearing room to be later designated.

ROBERT L. OSWALD,  
Secretary.

[FR Doc. 77-7931 Filed 3-16-77; 8:45 am]

[Docket No. 36526]

### COLORADO INTRASTATE FREIGHT RATES AND CHARGES, 1977

In the matter of petition for investigation of interstate rates and charges within the State of Colorado.

By joint petition authorized under section 13(3) of the Interstate Commerce Act, filed February 7, 1977, petitioners, ten common carriers by railroad<sup>1</sup> subject to Part I of the Interstate Commerce Act, and also operating in intrastate commerce in the State of Colorado, request that this Commission institute an investigation of their Colorado intrastate freight rates and charges, under section 13 and 15a of the Interstate Commerce Act, wherein they will seek an order authorizing them to increase such rates and charges in the same amounts approved for interstate application by this Commission in Ex Parte No. 330, "Increase of Freight Rates and Charges, West and Interterritorial—1976."

By tariff filed on October 4, 1976, with the Public Utilities Commission of the State of Colorado, petitioners sought to make the increases granted in Ex Parte No. 330, supra, applicable on Colorado intrastate traffic, effective November 15, 1976. Following suspension and subsequent hearing regarding said tariff, said Commission, by order entered November 9, 1976, extended the suspension period for an additional 210 days.

Petitioners contend that present interstate freight rates from, to, and within Colorado are just and reasonable and that the proposed intrastate rates will not exceed a just and reasonable level; that transportation conditions for intrastate traffic in Colorado are not more favorable than for interstate traffic; that traffic moving under present Colorado intrastate rail freight rates and charges fails to provide its fair share of earnings; and, that the present Colorado intrastate rail freight rates and charges create undue and unreasonable advantage, preference, and prejudice between persons and localities in intrastate commerce within Colorado and interstate and foreign commerce, and result in undue, unreasonable, and unjust discrimination against and an undue burden on interstate commerce in violation of section 13 and 15a of the Interstate Commerce Act, among others, to the extent that they do not include the increases authorized in Ex Parte No. 330, supra.

Under section 13(4) and 13(5) of the Interstate Commerce Act, this Commission is directed to institute an investigation, into the lawfulness of intrastate rail freight rates and charges, upon filing of a petition by the railroads pursuant to section 13(3) of the Act, after the appro-

appropriate State agency has reached a final decision or has failed to act within 120 days after a carrier by railroad has filed with such appropriate state body a change in an intrastate rate, fare, or charge for the purpose of adjusting such rate, fare, or charge to the rate charged on similar traffic moving in interstate or foreign commerce. This Commission may act notwithstanding the laws or constitution of any State, or the pendency of any proceeding before any State court or other State authority. We note the failure of the Public Utilities Commission of the State of Colorado to act within 120 days after filing by petitioners for an appropriate change in intrastate rates, vesting our jurisdiction.

Wherefore, and good cause appearing therefor:

It is ordered, That the petition be, and it is hereby, granted; and that an investigation, under section 13 and 15a of the Interstate Commerce Act, be, and it is hereby, instituted to determine whether the Colorado intrastate rail freight rates in any respect cause any unjust discrimination against or any undue burden on interstate or foreign commerce, or cause undue or unreasonable advantage, preference, or prejudice as between persons and localities in intrastate commerce and those in interstate or foreign commerce, or are otherwise unlawful, by reason of the failure of such rates and charges to include the full increases authorized for interstate application by this Commission in Ex Parte No. 330, supra; and to determine if any rates or charges, or maximum or minimum charges, or both, shall be prescribed to remove any unlawful advantage, preference, discrimination, undue burden, or other violation of law, found to exist.

It is further ordered, That all common carriers by railroad operating in the State of Colorado, subject to the jurisdiction of this Commission, be, and they are hereby, made respondents in this proceeding.

It is further ordered, That all persons who wish to actively participate in this proceeding and to file and receive copies of pleadings shall make known that fact by notifying the Office of Proceeding, Room 5342, Interstate Commerce Commission, Washington, D.C. 20423, on or before April 1, 1977. Although individual participation is not precluded, to conserve time and to avoid unnecessary expense, persons having common interests should endeavor to consolidate their presentations to the greatest extent possible. The Commission desires participation of only those who intended to take an active part in the proceeding.

It is further ordered, That as soon as practicable after the date of indicating a desire to participate in the proceeding has passed, the Commission will serve a list of names and addresses of all persons upon whom service of all pleadings must be made and that thereafter this proceeding will be assigned for oral hearing or handling under modified procedure.

And it is further ordered, That a copy of this order be served upon each of the petitioners herein; that the State of Colorado be notified of the proceeding by

<sup>1</sup>The Atchison, Topeka and Santa Fe Railway Company; Burlington Northern, Inc.; Chicago, Rock Island and Pacific Railroad Company; The Colorado and Southern Railway Company; The Colorado and Wyoming Railway Company; The Denver and Rio Grande Western Railroad Company; Missouri Pacific Railroad Company; San Luis Central Railroad; Southern San Luis Valley Railroad Company; and Union Pacific Railroad Company.



sending copies of this order of the instant petition by certified mail to the Governor of the State of Colorado and The Public Utilities Commission of the State of Colorado, Denver, Colorado; and that further notice of this proceeding be given to the public by depositing a copy of this order in the office of the Secretary of the Interstate Commerce Commission, at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

This is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

Dated at Washington, D.C., this 23d day of February, 1977.

By the Commission, Commissioner Hardin.

ROBERT L. OSWALD,  
Secretary.

[FR Doc.77-7933 Filed 3-16-77;8:45 am]

#### FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 14, 1977.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1100.40) and filed, on or before April 1, 1977.

FSA No. 43337—*Joint Rail-Water Container Rates—Italian Line*. Filed by Italian Line (No. 3), for itself and interested rail carriers.

Rates on general commodities, between ports in Europe, and rail stations on the U.S. Atlantic and Pacific Coast seaports.

Grounds for relief—Water competition.

FSA No. 43338—*Iron or Steel Articles from Minnequa, Colorado*. Filed by Trans-Continental Freight Bureau, Agent (No. 518), for interested rail carriers.

Rates on balls, crushing or grinding; pebbles, grinding or polishing and rods, grinding or crushing, in carloads, as described in the application, from Minnequa, Colorado, to specified points in Arizona and New Mexico.

Grounds for relief—Motor carrier competition.

#### AGGREGATE-OF-INTERMEDIATES

FSA No. 43339—*Iron or Steel Articles from Minnequa, Colorado*. Filed by Trans-Continental Freight Bureau, Agent (No. 519), for interested rail carriers.

Rates on balls, crushing or grinding; pebbles, grinding or polishing and rods, grinding or crushing, in carloads, as described in the application, from Minne-

qua, Colorado, to specified points in Arizona and New Mexico.

Grounds for relief—Maintenance of depressed rates published to meet motor carrier competition without use of such rates as factors in constructing combination rates.

By the Commission.

ROBERT L. OSWALD,  
Secretary.

[FR Doc.77-7930 Filed 3-16-77;8:45 am]

[Ex Parte No. MC-64]

#### MOTOR CARRIER TRANSPORTATION SERVICE

General Temporary Order No. 10, Section 210a(a)

Order. At a general session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D.C., on March 14, 1977.

Upon consideration of the record, and the resumption of normal motor carrier transportation service:

It is ordered, that General Temporary Order No. 10 entered herein on January 21, 1977, and a modification order dated February 25, 1977, are hereby vacated and set aside in full:

It is further ordered, that this order shall become effective on March 15, 1977.

And it is further ordered, that notice shall be given to motor carriers, other parties of interest, and to the general public by depositing a copy thereof in the Office of the Secretary of the Commission, Washington, D.C., and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission, Division 1, Commissioners Murphy, Gresham and Clapp (Commissioner Gresham not participating).

ROBERT L. OSWALD,  
Secretary.

[FR Doc.77-7932 Filed 3-16-77;8:45 am]

[Volume No. 2]

#### PETITIONS FOR MODIFICATION, INTERPRETATION OR REINSTATEMENT OF OPERATING RIGHTS AUTHORITY

The following petitions seek modification or interpretation of existing operating rights authority, or reinstatement of terminated operating rights authority.

An original and one copy of protests to the granting of the requested authority must be filed with the Commission on or before April 18, 1977. Such protest shall comply with Special Rule 247(d) of the Commission's *General Rules of Practice* (49 CFR 1100.247) and shall include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently

<sup>1</sup> Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

upon petitioner's representative, or petitioner if no representative is named.

No. MC 2228 (Sub-No. 57) (Notice of filing of petition to reinstate explosives authority), filed February 22, 1977. Petitioner: MERCHANTS FAST MOTOR LINES, INC., P.O. Drawer 591, East Hwy. 80, Abilene, Tex. 79604. Petitioner's representative: Mike Cottien, P.O. Box 1148, Austin, Tex. 78767. Petitioner holds a motor common carrier Certificate in No. MC 2228 (Sub-No. 57), issued January 15, 1974, authorizing transportation over regular routes, of general commodities (except household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between Canyon, Tex. and Lubbock, Tex., as an alternate route for operating convenience only, in connection with carrier's presently authorized regular route operations, serving no intermediate points, but serving Canyon, Tex., for purpose of joinder only: From Canyon over U.S. Highway 87 to Lubbock, and return over the same route; the authority above to the extent it authorizes the transportation of Classes A and B explosives shall be limited in point of time to a period expiring June 15, 1975. By the instant petition, petitioner seeks to reinstate the expired authority to transport Classes A and B explosives in the authority above for an additional five year period.

No. MC 52657 (Sub-No. 729) (Notice of filing of petition to modify territorial description), filed January 7, 1977. Petitioner: ARCO AUTO CARRIERS, INC., 16 W. 151 Shore Court, Burr Ridge, Ill. 60521. Petitioner's representative: James Bouril (same address as petitioner). Petitioner holds a motor common carrier Certificate in No. MC 52657 (Sub-No. 729), issued September 14, 1976, authorizing transportation over irregular routes, of trailers and trailer chassis (except those designed to be drawn by passenger automobiles), in initial movements, in truckaway service, and materials, supplies and parts (except commodities in bulk) used in the manufacture, assembly or servicing of commodities described above, when moving in mixed shipments with such commodities, from Northumberland, Pa., to points in the United States (except Hawaii). By the instant petition, petitioner seeks to modify the territorial description above by deletion of Northumberland, Pa. as the origin point, and the substitution of the plantsite of Dempster Dumpster Systems, located in Northumberland County, Pa., in lieu thereof.

No. MC 108676 (Sub-No. 44) (Notice of filing of petition to modify commodity description), filed February 17, 1977. Petitioner: A. J. METLER HAULING & STORAGE, INC., 117 Chicamauga Avenue, NE, Knoxville, Tenn. 37917. Petitioner's representative: Louis J. Amato, P.O. Box E, Bowling Green, Ky. 42101. Petitioner holds a motor common carrier Certificate in No. MC 108676 (Sub-No. 44), issued April 12, 1974, authorizing transportation over irregular routes, of (1) uncrated flat glass; (2) crated flat



glass, which, because of size or weight, requires the use of special equipment; and (3) crated flat glass which does not require the use of special equipment when moving in mixed shipments with the commodities authorized in (1) or (2) above, from Nashville, Tenn., to points in that part of the United States in and east of Minnesota, Iowa, Missouri, Oklahoma and Texas. By the instant petition, petitioner seeks to modify the commodity description above by deleting the commodity description in (1), (2) and (3) above, and substituting "flat glass" in lieu thereof.

No. MC 112668 (Sub-No. 37) (Notice of filing of petition to remove restriction), filed February 22, 1977. Petitioner: HARVEY R. SHIPLEY & SONS, INC., Box 266, 3306 Baltimore Blvd., Finksburg, Md. 21048. Petitioner's representative: Theodore Polydoroff, Suite 600, 1250 Connecticut Avenue, NW., Washington, D.C. 20036. Petitioner holds a motor common carrier Certificate in No. MC 112668 (Sub-No. 37), issued April 8, 1966, authorizing transportation over irregular routes, as pertinent, of salt, in containers, and in bulk when moving in mixed loads with salt in containers, from Baltimore and Glydon, Md., to points in Delaware, Maryland, the District of Columbia, and Adams, Cumberland, Chester, Dauphin, Delaware Franklin, Lancaster, Lebanon, York, Philadelphia, and Montgomery Counties, Pa., and Fauquier, Fairfax, Clarke, Culpeper, Frederick, King George, Loudoun, Madison, Orange, Prince William, Rappahannock, Spotsylvania, Stafford, and Warren Counties, Va., and Jefferson County, W. Va. By the instant petition, petitioner seeks to have the commodity restriction "in containers, and in bulk when moving in mixed loads with salt in containers," deleted from the above commodity description.

No. MC 11316 (Sub-No. 33) (Notice of filing of petition to modify an origin point), filed February 24, 1977. Petitioner: THE BLUE DIAMOND COMPANY, a Corporation, 4401 E. Fairmont Ave., Baltimore, Md. 21224. Petitioner's representative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth St., NW., Washington, D.C. 20005. Petitioner holds a motor common carrier Certificate in No. MC 113106 (Sub-No. 33), issued June 13, 1974, authorizing transportation over irregular routes, of salt, salt products, calcium chloride, and mixtures thereof, dry, from the facilities of the Motor Salt Company, Division of Morton International, Inc., located at Milo, N.Y., to points in Pennsylvania, New Jersey, Delaware, Maryland, Virginia, and the District of Columbia. By the instant petition, petitioner seeks to modify the origin point above by the deletion of "the facilities of the Motor Salt Company, Division of Morton International, Inc., located at Milo, N.Y." and the substitution of "Milo, N.Y." in lieu thereof.

No. MC 114301 (Sub-Nos. 17, 26, 43 and 82) (Notice of filing of petition to modify certificates), filed February 18, 1977. Petitioner: DELAWARE EXPRESS CO., a Corporation, P.O. Box 97, Elkton, Md.

21921. Petitioner's representative: Maxwell A. Howell, 1100 Investment Building, 1411 K Street, Washington, D.C. 20005. Petitioner holds motor common carrier Certificates in No. MC 114301 (Sub-Nos. 17, 26, 43 and 82), issued February 12, 1964, November 4, 1965, August 5, 1966 and May 5, 1976, respectively, authorizing transportation, over irregular routes: (A) in MC 114301 (Sub-No. 17), of *Meat scraps and other dry feed ingredients* (except phosphate rock, lime, and limestone, and products of these three ingredients), in bulk, in tank and pneumatic hopper-type vehicles, between points in Delaware, Maryland, that part of New Jersey north of New Jersey Highway 33, and Wildwood, Lakewood, Elmer and Tuckerton, N.J., Pennsylvania, Virginia, West Virginia (except Willow Island, W. Va., as an origin point), and the District of Columbia, restricted (1) against the transportation of urea from Belle, W. Va.; (2) against the transportation of meat scraps from Baltimore, Md., to Accomack and Northampton Counties, Va., and that part of Delaware on and south of the Chesapeake and Delaware Canals; and (3) against transportation from Allentown and Nazareth, Pa.; (B) in MC-114301 (Sub-No. 26), of *meat scraps and other dry feed ingredients* (except phosphate rock, lime and limestone, and products of phosphate rock, lime and limestone), in bulk, between points in Delaware, Maryland, that part of New Jersey north of New Jersey Highway 33, Wildwood, Lakewood, Elmer and Tuckerton, N.J., Pennsylvania, Virginia, West Virginia (except Willow Island, W. Va., as an origin point), and the District of Columbia, restricted (1) against the transportation of urea from Belle, W. Va.; (2) against the transportation of meat scraps from Baltimore, Md., to points in Accomack and Northampton Counties, Va., and that part of Delaware on and south of the Chesapeake and Delaware Canals; (3) against the transportation of such seafood by-products as may be used as feed ingredients from points in Northumberland, Richmond, Westmoreland, and Lancaster Counties, Va., to points in New Jersey, Pennsylvania, Delaware, Maryland and the District of Columbia; and (4) restricted against the performance of any transportation from Allentown and Nazareth, Pa.;

(C) in MC-114301 (Sub-No. 43), of *Dry animal feed ingredients and dry poultry feed ingredients*, both in bags (except lime, limestone, and products thereof, crushed or ground), between points in Delaware, Maryland, Pennsylvania, Virginia, West Virginia, the District of Columbia, that part of New Jersey north or west of a line beginning at the Delaware Memorial Bridge, near Wilmington, Del., and extending along the New Jersey Turnpike to junction New Jersey Highway 33, and thence along New Jersey Highway 33 to the Atlantic Ocean at Neptune, N.J., (except points in Sussex, Morris, Bergen, Hudson, Essex, and Union Counties, N.J.),

restricted (1) against the transportation of the above-specified commodities from points in the commercial zones of Allentown, Nazareth, and Philadelphia, Pa. as defined by the Commission; (2) against the transportation of fish meal, from points in Northumberland, Richmond, Westmoreland, and Lancaster Counties, Va.; (3) against the transportation of crab meal from points in the commercial zones of Honga and Marion, Md., as defined by the Commission, to points in the commercial zone of Harrisburg, Pa., as defined by the Commission; and (4) against the transportation of fish meal and fish meal products (a) from points in the commercial zone of Lewes, De as defined by the Commission, to points in the commercial zone of Orefield, Pa., as defined by the Commission, and (b) from points in the commercial zone of Port Monmouth, N.J., as defined by the Commission, to points in Pennsylvania and to points in the commercial zones of Baltimore, Frederick, and Hagerstown, Md., as defined by the Commission; and (D) in MC 114301 (Sub-No. 82), of *dry feed ingredients*, from points in Delaware, Maryland, Pennsylvania, Virginia, that part of New Jersey north of New Jersey Highway 33, Wildwood, Lakewood, Elmer and Tuckerton, N.J., and that part of New Jersey north or west of a line beginning at the Delaware Memorial Bridge, near Wilmington, Del., and extending along the New Jersey Turnpike to junction New Jersey Highway 33, and thence along New Jersey Highway 33 to the Atlantic Ocean at Neptune, N.J. (except points in Sussex, Morris, Bergen, Hudson, Essex, and Union Counties, N.J.), to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, and New York.

By the instant petition, petitioner seeks to modify the commodity descriptions in each of the above certificates so as to read: (A) MC 114301 (Sub-No. 17): Dry feed, meat scraps and other dry feed ingredients (except phosphate rock, lime, and limestone, and products of these three ingredients), in bulk, in tank and pneumatic hopper-type vehicles; (B) MC 114301 (Sub-No. 26): Dry feed, meat scraps and other dry feed ingredients (except phosphate rock, lime and limestone, and products of phosphate rock, lime and limestone), in bulk; (C) MC 114301 (Sub-No. 43): Dry animal feed and dry animal feed ingredients and dry poultry feed and dry poultry feed ingredients, both in bags (except lime, limestone, and products thereof, crushed or ground); and (D) MC 114301 (Sub-No. 82): Dry feed and dry feed ingredients.

No. MC 114457 (Sub-No. 125) (Notice of Filing of Petition to Remove a Restriction), filed January 28, 1977. Petitioner: DART TRANSIT COMPANY, a Corporation, 210 University Avenue, St. Paul, Minn. 55114. Petitioner's representative: James C. Hardman, 33 N. LaSalle St., Chicago, Ill. 60602. Petitioner holds a motor common carrier Certificate in No. MC 114457 (Sub-No. 125), issued March 21, 1973, authorizing transportation, over



irregular routes, of *Tin plate*, from Chicago, Ill. (except points in that part of Indiana within the Chicago, Ill., Commercial Zone as defined by the Commission), and Milwaukee, Wis., to Mankato and Minneapolis, Minn.

By the instant petition, petitioner seeks to remove the above restriction from the territorial description.

No. MC 120646 (Sub-No. 5) (Notice of Filing of Petition to Modify Territorial Description), filed February 14, 1977. Petitioner: BRADLEY FREIGHT LINES, INC., P.O. Box 523, Easley, S.C. 29640. Petitioner's representative: Richard A. Mehley, 1000 16th Street NW., Washington, D.C. 20036. Petitioner holds a motor common carrier Certificate in MC 120646 (Sub-No. 5), issued March 13, 1972, authorizing, as pertinent, transportation, over irregular routes, of *New furniture*, (1) between Ferndale Station, Ky., on the one hand, and, on the other, points in Kentucky (except points in Harlan County, Ky.), points in Tennessee (except those on Tennessee Highway 33 and U.S. Highway 25-E between Knoxville and Cumberland Gap, including the points named), and points in Virginia; (2) from points in North Carolina and Virginia (except points in Lee and Wise Counties, Va.), to Ferndale Station, Ky.; and (3) from points in Tennessee (except those on Tennessee Highway 33 and U.S. Highway 25-E between Knoxville and Cumberland Gap, including the points named), to Ferndale Station, Ky.

By the instant petition, petitioner seeks to modify the territorial description above by removing Ferndale Station, Ky., in (1), (2), and (3), as pertinent, and substituting in lieu thereof "Middleboro, Ky."

No. MC 124735 (Sub-No. 1) (Notice of Filing of Petition to Add an Additional Contracting Shipper) filed February 10, 1977. Petitioner: R. C. KERCHEVAL, JR., 2201 Sixth Avenue, South, Seattle, Wash. 98134. Petitioner's representative: George R. LaBissoniere (same address as applicant). Petitioner holds a motor contract carrier Permit in No. MC 124735 (Sub-No. 1) issued February 2, 1977, authorizing transportation over irregular routes, of (1) *parts of mobile homes and utility trailers, automotive springs, suspensions and parts thereof, brake drums, brake assemblies, and parts thereof, tailgate hoists and parts thereof, wheels and wheel attaching parts, and parts for motor vehicle chassis and motor vehicle undercarriage*, (a) from points in Illinois, Indiana, Iowa, Michigan, Missouri, Ohio, and Wisconsin, to Billings, Butte, and Great Falls, Mont. and Seattle and Spokane, Wash., under a continuing contract, or contracts with Motor Wheel and Parts, Inc. located at Seattle, Wash., Six Robblees' Inc., of Washington located at Seattle, Wash., and Northwest Wheel, Inc. located at Spokane, Wash.

(b) From points in Illinois, Indiana, Iowa, Michigan, Missouri, Ohio, and Wisconsin, to Portland, Oreg., and Yakima, Wash., under a continuing contract, or contracts, with Six Robblees' Inc., of

Washington, and Wholesale Truck Parts, Inc.; and (c) from points in Illinois, Indiana, Iowa, Michigan, Missouri, Ohio, and Wisconsin, to ports of entry on the United States-Canada Boundary line located at or near Blaine, Wash., Eastport, Idaho, Sweetgrass, Mont., and Portal, N. Dak., restricted in (c) above to foreign commerce only, and further restricted to the transportation of shipments destined to Vancouver, British Columbia, and Calgary and Edmonton, Alberta, Canada, under a continuing contract, or contracts with Wheels & Equipment Limited, located at Vancouver, British Columbia, Canada; and (2) *artificial flowers, artificial foliage, artificial floral designs, artificial wreaths, artificial sprays, and artificial holiday decorations, and commodities*, the transportation of which would otherwise be exempt from economic regulation pursuant to the provisions of section 203(b)(6) of the Interstate Commerce Act, when transported in mixed loads with the foregoing commodities specified in (2) above, from Puyallup and Chehalis, Wash., Newport, Myrtle Point, and Port Orford, Oreg., to points in North Dakota, South Dakota, Nebraska, Kansas, Missouri, Iowa, Minnesota, Wisconsin, Illinois, Indiana, Tennessee, Kentucky, Ohio, West Virginia, Michigan, Pennsylvania, New York, and New Jersey, under a continuing contract, or contracts, with G. R. Kirk Company located at Puyallup, Wash., restricted in (1) and (2) above to the right of the Commission to impose such terms, conditions or limitations in the future as it may find necessary in order to insure that carrier's operations shall conform to the provisions of section 210 of the Act.

By the instant petition, petitioner seeks to add Fleet Equipment, Inc. as additional contract shipper to the above authority.

No. MC 129455 (Sub-Nos. 2 and 3) (notice of filing of petition to broaden commodity description), filed December 8, 1976. Petitioner: CARRETTA TRUCKING, INC., 301 Mayhill Street, Saddle Brook, N.J. 07662. Petitioner's representative: Charles J. Williams, 1815 Front Street, Scotch Plains, N.J. 07076. Petitioner holds motor contract carrier Permits in No. MC 129455 and (Sub-Nos. 2 and 3) issued July 10, 1970, November 10, 1969, and March 23, 1972, respectively, authorizing transportation (1) in MC 129455, as pertinent, over irregular routes, of *swimming pools, garden sheds, and radiator enclosures*, from Paterson, N.J., and the plantsite of Quaker City Industries located at Carlstadt, N.J., to points in Arkansas, California, Illinois, Indiana, Kentucky, Michigan, Minnesota, Missouri, New York, Ohio, Oklahoma, Virginia (except Arlington and Fairfax Counties) and those points in that part of Pennsylvania west of the Susquehanna River, under a continuing contract, or contracts, with Quaker City Industries of Carlstadt, N.J.; (2) in MC 129455 (Sub-No. 2) as pertinent, over irregular routes, of *swimming pools, garden sheds, and radiator enclosures*, from Carlstadt and Paterson, N.J., to points in Florida, Georgia, South Caro-

lina, North Carolina, Maryland, Delaware, Connecticut, Rhode Island, Massachusetts, Washington, Colorado, Utah, Arizona, Texas, Louisiana, Wisconsin, Tennessee, the District of Columbia, points in Arlington and Fairfax Counties, Va., and those points in that part of Pennsylvania east of the Susquehanna River, under a continuing contract, or contracts, with Quaker City Industries, Inc., located at Carlstadt, N.J.; and (3) in MC 129455 (Sub-No. 3) over irregular routes, of *swimming pools, garden sheds, and radiator enclosures*, from Paterson, Carlstadt, and Saddle Brook, N.J., to points in Alabama, Idaho, Iowa, Kansas, Maine, Mississippi, Montana, Nebraska, Nevada, New Hampshire, New Mexico, North Dakota, Oregon, South Dakota, Vermont, West Virginia, and Wyoming, under a continuing contract, or contracts, with Quaker City Industries, Inc. located at Saddle Brook, N.J. By the instant petition, petitioner seeks to broaden the commodity description of all three of the above Permits to include "electric light fixtures".

No. MC 129510 (Sub-No. 10) (notice of filing of petition to add service points), filed February 18, 1977. Petitioner: ENGLUND EQUIPMENT COMPANY, a Corporation, 740 Old Stage Road, Salinas, Calif. 93901. Petitioner's representative: Michael S. Rubin, 4th Floor, 140 Montgomery Street, San Francisco, Calif. 94104. Petitioner holds a motor contract carrier Permit in No. MC 129510 (Sub-No. 10), issued June 29, 1976, authorizing transportation over irregular routes, of *electrical fittings and accessories for electrical fittings*, between Elizabeth and Mount Laurel, N.J.; Montgomeryville and Doylestown, Pa.; Easton and Somerville, Mass.; Naugatuck, Conn.; Orangeburg, S.C.; Atlanta, Ga.; Memphis, Tenn.; Indianapolis, Ind.; Elk Grove Village, Ill.; Iowa City, Iowa; and Reno, Nev., restricted against the transportation of shipments between Orangeburg, S.C., and Atlanta, Ga., under a continuing contract, or contracts, with Thomas & Betts Corporation, of Elizabeth, N.J. By the instant petition, petitioner seeks to add Tulsa, Okla. and Blandon, Pa. as additional service points to the authority above.

No. MC 139206 (notice of filing of petition for modification of permit), filed March 2, 1977. Petitioner: F.M.S. TRANSPORTATION, INC., 900 North Alvarado, Los Angeles, Calif. 90026. Petitioner's representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh Street, N.W., Washington, D.C. 20001. Petitioner holds a motor contract carrier Permit in No. MC 139206, issued January 10, 1977, authorizing transportation over irregular routes, of *textiles and textile products, chemicals, and materials, equipment, and supplies used in the sale, manufacture, processing, production and distribution of textiles and textile products and chemicals (except commodities in bulk)*, between Laredo, Brenham, and Houston, Tex., Wellsville, Mo., and Johnson City, Tenn., on the one hand, and, on the other, points in the United States (except Alaska and Ha-



wall), under a continuing contract, or contracts, with Chromalloy American Corporation and Leon Perenbach, Inc. By the instant petition, petitioner seeks to add Santa Ana, Calif. as an additional base point to be served and to further add, as additional commodities to be served under contract with Chromalloy American Corporation, "electronic equipment, stereo speakers with cabinets, grills, bases, parts and accessories therefor, and materials, equipment and supplies used in the manufacture, sale, processing, packaging, production and distribution of the aforesaid commodities (except commodities in bulk)".

REPUBLICATIONS OF GRANTS OF OPERATING RIGHTS AUTHORITY PRIOR TO CERTIFICATION

NOTICE

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the FEDERAL REGISTER.

An original and one copy of protests to the granting of the authority must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice. Such protest shall comply with Special Rule 247(d) of the Commission's General Rules of Practice (49 CFR 1100.-247) addressing specifically the issue(s) indicated as the purpose for republication, and including a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition shall not be tendered at this time. A copy of the protest shall be served concurrently upon the carrier's representative, or carrier if no representative is named.

No. MC 119789 (Sub-No. 296) (Republication), filed August 4, 1976, published in the FR issue of September 9, 1976, and republished this issue. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Tex. 75222. Applicant's representative: James K. Newbold, Jr. (same address as applicant). An Order of the Commission, Review Board Number 1, dated February 14, 1977, and served March 3, 1977, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, in the transportation of *sheet steel water coolers, plastic water coolers, plastic cooling boxes, and paper drinking cups* (except commodities which, because of size or weight, require the use of special equipment), from Winfield, Kans., to points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Kentucky, Louisiana, Mississippi, Montana, Nevada, North Carolina, Oregon, South Carolina, Tennessee, Utah, Virginia, Washington and Wyoming; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to indicate the

addition of Arkansas as an additional destination state in applicant's grant of authority.

No. MC 127820 (Sub-No. 6), (Republication), filed February 23, 1976, published in the FEDERAL REGISTER issue of April 29, 1976, and republished this issue. Applicant: TRANS-SERVICE, INC., 1943 South Lawn Extension, Coshocton, Ohio 43812. Applicant's representative: Taylor C. Burneson, 1631 Northwest Professional Plaza, Columbus, Ohio 43220. An Order of the Commission, Review Board Number 1, dated March 1, 1977, and served March 4, 1977, finds that operation by applicant, in interstate or foreign commerce, as a *contract carrier* by motor vehicle, over irregular routes, in the transportation of (1) (a) *clothing treated with protective substances, and (b) diagnostic equipment, between Coshocton, Ohio, and Haynesville, La.; (2) gloves, parts of gloves, materials, equipment, and supplies used in the manufacture and distribution of gloves and parts of gloves, clothing treated with protective substances, and diagnostic equipment, (a) between Haynesville, La., and Benicia, Calif., and (b) between Coshocton, Ohio, on the one hand, and, on the other, points in New York, New Jersey, and Pennsylvania, restricted against the transportation of commodities in bulk, in tank vehicles, from and to New York, N.Y.; (3) glass tubing and rubber articles, between Millville and Vineland, N.J., and Parkersburg, W. Va., on the one hand, and, on the other, Broken Bow and Columbus, Nebr.; (4) medical and surgical supplies, (a) between Broken Bow, Columbus, and Holdrege, Nebr., on the one hand, and, on the other, points in Georgia, Pennsylvania, and New Jersey, (b) between Hancock, N.Y., and Fairfield and Parsippany, N.J., on the one hand, and, on the other, Benicia, Calif., and (c) between New Canaan, Conn., and Los Angeles, Calif.*

(5) *Plastic laboratory wares, between Oxnard, Calif., on the one hand, and, on the other, points in New Jersey, New York, Pennsylvania, Maryland, Ohio, Illinois, and Indiana; (6) plastic articles used in the manufacture of medical and surgical supplies, between Montgomery, Pa., and New York, N.Y., on the one hand, and, on the other, Columbus and Holdrege, Nebr.; (7) gloves, masks, and tubing between Los Gatos, Calif., on the one hand, and, on the other, points in New Jersey and New York; and (8) polyether foam fabrics between Moonachie, N.J., and Coshocton, Ohio, all of the above under a continuing contract or contracts with Becton, Dickinson and Company of Rutherford, N.J., will be consistent with the public interest and the national transportation policy; that applicant is fit, willing and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to indicate the substitution in (2) (a) and (4) (b) above of Benicia, Calif., in lieu of Emeryville, Calif.*

No. MC 133219 (Sub-No. 16) (Partial republication), filed January 8, 1976, published in the FEDERAL REGISTER issue of February 12, 1976, and republished, in part, this issue. Applicant: NEBRASKA BULK TRANSPORTS, INC., P.O. Box 215, Bennet, Nebr. 68317. Applicant's representative: Patrick E. Quinn, P.O. Box 82028, Lincoln, Nebr. 68501. An Order of the Commission, Review Board Number 2, dated January 21, 1977, and served February 8, 1977, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, in the transportation, as pertinent, of (1) *liquid feed and liquid feed supplements, in bulk, in tank vehicles, from the facilities of Feed Service Corporation, located at or near Crete, Nebr., to points in Alabama, Arizona, Colorado, Florida, Georgia, Iowa, Kansas, Louisiana, Minnesota, Mississippi, Missouri, New Mexico, North Dakota, Oklahoma, South Carolina, South Dakota, Texas, Wisconsin, and Wyoming, restricted to the transportation of traffic originating at the named facilities; and (2) materials, equipment, and supplies used in the manufacture and production of liquid feed and liquid feed supplements, from the destination points named in (1) above to the origin point named in (1) above, restricted to the transportation of traffic destined to the named facilities; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication in part is to indicate the addition of Missouri as an additional destination state in (1) above and as an additional origin state in (2) above in applicant's grant of authority.*

No. MC 134404 (Sub-No. 25) (Republication), filed April 9, 1976, published in the FEDERAL REGISTER issue of May 20, 1976, and republished this issue. Applicant: AMERICAN TRANS-FREIGHT, INC., P.O. Box 499, So. Bound Brook, N.J. 08880. Applicant's representative: Bert Collins, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. An Order of the Commission, Review Board Number 3, dated February 4, 1977, and served February 22, 1977, finds that operation by applicant, in interstate or foreign commerce, as a *contract carrier* by motor vehicle, over irregular routes, in the transportation of *cleaning products, toilet preparations, nutritional foods and related articles, materials, supplies, and equipment used in the manufacture, distribution or sale of the above commodities (except in bulk), from Franklin, Ky., to Dallas, Tex.; Bedford Park, Ill.; Denver, Colo.; Chicago, Ill.; St. Louis, Mo.; and Kansas City, Kans., under a continuing contract, or contracts, with The Drackett Products Co., of Franklin, Ky., will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of*



the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to indicate the addition of St. Louis, Mo. as an additional destination point in applicant's grant of authority.

No. MC 139495 (Sub.-No. 72) (Republication), filed May 23, 1975, published in the FEDERAL REGISTER issue of June 26, 1975, and republished this issue. Applicant: NATIONAL CARRIERS, INC., P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1819 H Street, N.W., Washington, D.C. 20006. An Order of the Commission, Review Board Number 3, dated November 2, 1976, and served November 11, 1976, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, in the transportation of *barbecue grills and accessories*, from Columbus, Ga., to points in the United States in and west of Minnesota, Iowa, Missouri, Arkansas, and Louisiana (except Alaska and Hawaii); that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to indicate the grant of barbecue grills and accessories in lieu of stoves in applicant's grant of authority.

No. MC 139495 (Sub.-No. 97) (Partial republication), filed October 1, 1975, published in the FEDERAL REGISTER issue of October 31, 1975, and republished, in part, this issue. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Frederick J. Coffman, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. A Stay Decision and Order of the Commission, Review Board Number 3, dated January 14, 1977, and served February 18, 1977, modifies and adopts the initial decision of the Administrative Law Judge, and finds that the present and future public convenience and necessity require operation by applicant in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, in the transportation, as pertinent, of (16) *Lighting fixtures and materials and supplies* necessary for the installation thereof, (a) between the facilities utilized by International Telephone and Telegraph Corporation, Lighting Fixtures Division located at or near Vermilion, Ohio and Southaven, Miss.; (b) from the plant sites and storage facilities utilized by International Telephone and Telegraph Corporation, Lighting Fixtures Division, located at or near Vermilion, Ohio, to points in Iowa, Missouri, Arkansas, North Dakota, South Dakota, Nebraska, Kansas (except Great Bend, Liberal and Wichita), Oklahoma, Texas, Montana, Wyoming, Colorado, New Mexico, Idaho, Utah, Arizona, Washington, Oregon, California, and Nevada; and

(c) From the plant sites and storage facilities utilized by International Telephone and Telegraph Corporation, Lighting Fixtures Division, located at or near Southaven, Miss., to points in Iowa, Missouri (except Pemiscot, Dunklin, New Madrid, Scott, and Mississippi Counties and St. Louis and points in its commercial zone), Arkansas (except Mississippi, Crittendon, Poinsett and Jackson Counties), North Dakota, South Dakota, Nebraska, Kansas (except Great Bend, Liberal, and Wichita), Oklahoma, Texas, Montana, Wyoming, Colorado, New Mexico, Idaho, Utah, Arizona, Washington, Oregon, California and Nevada, restricted in (a), (b) and (c) above to the transportation of shipments originating at the named facilities and destined to the named destinations; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication in part is to give notice that part (16) of the application as published (part K in the Appendix to the Stay Decision and Order) is not in the nature of a conversion as the FR publication of October 31, 1975, incorrectly indicated, and to permit interested parties to file a petition for leave to intervene; the only basis for which a person may file a petition is upon a showing that it was prejudiced by the grant of authority in part (16) of the application as published by reason of its prior publication as a conversion application.

No. MC 139495 (Sub.-No. 120) (Republication), filed December 30, 1975, published in the FEDERAL REGISTER issue of January 29, 1976, and republished this issue. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1819 H Street, N.W., Suite 1030, Washington, D.C. 20006. An Order of the Commission, Review Board Number 3, dated November 4, 1976, and served November 18, 1976, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, in the transportation of *vacuum cleaners, vacuum cleaner bags, floor polishers, and parts* for such products, from the facilities of Electrolux Corporation, located at or near Old Greenwich, Conn., and Bristol, Va., to Des Moines, Iowa, Salt Lake City, Utah, and Reno, Nev.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to indicate the addition of Reno, Nev. as an additional destination point in applicant's grant of authority.

No. MC 140003 (Sub.-No. 5) (Republication), filed May 24, 1976, published in the FEDERAL REGISTER issue of July 1, 1976, and republished this issue. Applicant:

BALL MOTOR LINE OF APOPKA, INC., P.O. Drawer AL, Apopka, Fla. 32703. Applicant's representative: Theodore Polydoroff, 1250 Connecticut Ave., N.W., Washington, D.C. 20036. An Order of the Commission, Review Board Number 3, dated February 16, 1977, and served February 28, 1977, finds that operation by applicant, in interstate or foreign commerce, as a *contract carrier* by motor vehicle, over irregular routes, in the transportation of *plastic products, machine parts and molds, and materials and supplies* used in the manufacture and distribution of plastic products (except commodities in bulk), (1) between Apopka and Kissimmee, Fla., Malvern, Pa., and S. Rockwood, Mich., on the one hand, and, on the other, Hatfield, Pa., and Crosswicks, N.J.; and (2) from Highstown and Garfield, N.J.; Sandusky, Tallmadge, and Akron, Ohio; Leominster, Mass.; Detroit, Mich.; Longview, Baytown, and Port Orange, Tex.; Covington, Conyers, and Atlanta, Ga.; and Travelers Post, S.C., to Apopka and Kissimmee, Fla., Malvern, Pa., and S. Rockwood, Mich., under a continuing contract, or contracts, with Better Plastics, Inc., of Kissimmee, Fla. restricted against service from Sandusky, Tallmadge, and Akron, Ohio, to S. Rockwood, Mich., will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to indicate the addition of Crosswicks, N.J., as an additional radial point in (1) above in applicant's grant of authority.

No. MC 142097 (Sub.-No. 2) (Republication), filed October 4, 1976, published in the FEDERAL REGISTER issue of October 29, 1976, and republished this issue. Applicant: GRAVEL PRODUCTS, INC., 115 N.E. 1st Street, Ontario, Oreg. 97914. Applicant's representative: H. C. Fields, Jr. (same address as applicant). An Order of the Commission, Review Board Number 1, dated February 15, 1977, and served February 25, 1977, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, in the transportation of *sand, gravel, fill material and asphalt concrete* between points in Malheur, Harney, Baker, Grant, and Union Counties, Oreg., on the one hand, and, on the other, points in Idaho, Adams, Valley, Washington, Payette, Gem, Boise, Canyon, Ada, and Owyhee Counties, Idaho; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to indicate the addition of Idaho County, Idaho as an additional radial county in applicant's grant of authority.



**MOTOR CARRIER, BROKER, WATER CARRIER  
AND FREIGHT FORWARDER OPERATING  
RIGHTS APPLICATIONS**

**NOTICE**

The following applications are governed by Special Rule 247 of the Commission's *General Rules of Practice* (49 CFR §1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date of notice of filing of the application is published in the *FEDERAL REGISTER*. Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with Section 247 (d) (3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if not representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d) (4) of the special rules, and shall include the certification required therein.

Section 247(f) further provides, in part, that an applicant who does not intend timely to prosecute its application shall promptly request dismissal thereof, and that failure to prosecute an application under procedures ordered by the Commission will result in dismissal of the application.

Further processing steps will be by Commission order which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the Federal Register of a notice that the proceeding has been assigned for oral hearing.*

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 409 (Sub-No. 60), filed January 27, 1977. Applicant: SCHROETLIN TANK LINE, INC., P.O. Box 511, Sutton, Nebr. 68979. Applicant's representative: Patrick E. Quinn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor

vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk and tank vehicles, (1) from the facilities of Gulf Central Pipeline located at or near Spencer, Iowa, to points in Iowa, Minnesota, Nebraska, North Dakota and South Dakota; (2) from the facilities of Gulf Central Pipeline located at or near Holstein, Iowa, to points in Iowa, Minnesota, Nebraska, North Dakota and South Dakota; (3) from the facilities of Gulf Central Pipeline located at or near David City, Nebr., to points in Iowa, Minnesota, Nebraska, North Dakota and South Dakota.

**NOTE.**—If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr.

No. MC 409 (Sub-No. 61), filed January 31, 1977. Applicant: SCHROETLIN TANK LINE, INC., P.O. Box 511, Sutton, Nebr. 68979. Applicant's representative: Patrick E. Quinn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid feed*, in bulk, in tank vehicles, from Shickley, Nebr., to points in Illinois, Iowa and Kansas.

**NOTE.**—If a hearing is deemed necessary, the applicant requests it be held at either Lincoln or Omaha, Nebr.

No. MC 720 (Sub-No. 27), filed February 2, 1977. Applicant: BIRD TRUCKING COMPANY, INC., P.O. Box 227, Waupun, Wis. 53963. Applicant's representative: Michael J. Wyngaard, 329 West Wilson Street, P.O. Box 8004, Madison, Wis. 53708. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Medical and consumer care products*, from the plantsite and warehouse facilities of Cutter Laboratories, Inc., located at Bensenville, Ill., to points in Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota and Wisconsin.

**NOTE.**—If a hearing is deemed necessary, the applicant requests it be held at either Madison or Milwaukee, Wis.

No. MC 2202 (Sub-No. 529), filed January 24, 1977. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Blvd., P.O. Box 471, Akron, Ohio 44309. Applicant's representative: William O. Turney, Suite 1010, 7101 Wisconsin Avenue, Washington, D.C. 20014. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite and warehouse facilities of Rheem Manufacturing Co., located at or near Milledgeville, Ga., as an off-route point, in connection with applicant's presently authorized regular-route operations.

**NOTE.**—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Atlanta, Ga. or Washington, D.C.

No. MC 26739 (Sub-No. 91), filed January 24, 1977. Applicant: CROUCH FREIGHT SYSTEMS, INC., P.O. Box 1059, St. Joseph, Mo. 64502. Applicant's representative: Roland Rice, 1111 E Street, NW., Suite 618, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment). (1) Between Denver, Colo., and Minneapolis, Minn., serving no intermediate points: From Denver over Interstate Highway 80S to the junction of Interstate Highway 80, thence Interstate Highway 80 to the junction of U.S. Highway 281, thence over U.S. Highway 281 to the junction of U.S. Highway 30 at or near Grand Island, Nebr., thence over U.S. Highway 30 to the junction of U.S. Highway 77 at or near Fremont, Nebr., thence over U.S. Highway 77 to Sioux City, Iowa, thence over U.S. Highway 75 to the junction of Interstate Highway 90, thence over Interstate Highway 90 to the junction of Interstate Highway 35, thence over Interstate Highway 35 to Minneapolis, Minn., and return over the same route. (2) Between Kansas City, Kans. and Denver, Colo., serving no intermediate points: From Kansas City over U.S. Highway 24 to the junction of U.S. Highway 75, thence over U.S. Highway 75 to the junction of U.S. Highway 36 at or near Fairview, Kans., thence over U.S. Highway 36 to the junction of U.S. Highway 383, thence over U.S. Highway 383 to the junction of U.S. Highway 24, thence over U.S. Highway 24 to Denver, and return over the same route.

**NOTE.**—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Kansas City, Mo. or San Francisco, Calif.

No. MC 43867 (Sub-No. 30), filed January 27, 1977. Applicant: A. LEANDER McALISTER TRUCKING COMPANY, a Corporation, P.O. Box 2214, Wichita Falls, Tex. 76707. Applicant's representative: Bernard H. English, 6270 Firth Road, Fort Worth, Tex. 76116. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe*, as described in *Merger Extension—Oil Field Commodities 74 M.C.C. 459*, used in, incidental to, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, including the stringing and picking up of main pipelines, from Lone Star, Tex. and points within 5 miles thereof, to points in Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Rhode Island, South Carolina, and Virginia.

**NOTE.**—If a hearing is deemed necessary, the applicant requests it be held at either Dallas or Houston, Tex.

No. MC 52022 (Sub-No. 11), filed January 19, 1977. Applicant: SANTINI



BROS., INC., doing business as, THE SEVEN BROTHERS AND THE SEVEN SANTINI BROTHERS, 1405 Jerome Avenue, Bronx, N.Y. 10452. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave., Suite 1200, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty household goods shipping containers*, set up and knocked down, between points in Alabama, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be heard on a consolidated record at New York, N.Y.

No. MC 59655 (Sub-No. 8), filed January 21, 1977. Applicant: SHEEHAN CARRIERS, INC., 62 Lime Kiln Road, Suffern, N.Y. 10952. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, including beer, and *related advertising materials*, from South Volney, N.Y., to points in Connecticut, Maine, Massachusetts, New Hampshire, Vermont, Virginia, and Rhode Island; and (2) *returned empty malt beverage containers*, from the destination states named in (1) above, to South Volney, N.Y.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either New York, N.Y., or Washington, D.C.

No. MC 60014 (Sub-No. 42), filed January 26, 1977. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: A. Charles Tell, 100 East Broad Street, Suite 1800, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Hydraulic loading equipment* from the plantsite of Omark Industries, Inc., located at or near Zebulon, N.C., to points in the United States (except Alaska and Hawaii); and (2) *materials, supplies and equipment* used in the movement of hydraulic loading equipment (except commodities in bulk) from points in Illinois, Indiana, Michigan (Lower Peninsula), and Ohio, to the plantsite of Omark Industries, Inc., located at or near Zebulon, N.C.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 60014 (Sub-No. 43), filed February 2, 1977. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: A. Charles Tell, Suite 1800, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular route,

transporting: *Aluminum, aluminum products, and supplies, materials and equipment* used in the manufacture of aluminum and aluminum products (except in bulk), between the plantsite of Alumax, Inc. located at or near Decatur, Ala.; Casa Grande, Ariz.; Long Beach, Riverside, Visalia, Perris Valley and Woodland, Calif.; Loveland, Colo.; Hialeah, Ocala and Plant City, Fla.; Peachtree City and Jonesboro, Ga.; Boise and Twin Falls, Idaho; Chicago, Morris and St. Charles, Ill.; Lebanon, Bristol and Franklin, Ind.; McPherson, Kans.; Frederick, Md.; Niles, Mich.; Montevideo, Minn.; St. Louis, Mo.; Hernando, Miss.; Reidsville, N.C.; Cleveland, Ohio; Tulsa and Checotah, Okla.; Umatilla and Stayton, Oreg.; Bloomsburg, Pa.; Mansfield, Tex.; Harrisonburg, Va.; Spokane and Ferndale, Wash.; and Marshfield, Wis.; on the one hand, and, on the other, points in the United States, including Alaska, but excluding Hawaii.

NOTE.—If a hearing is deemed necessary, applicant requests it be heard on a consolidated record with other similar application, but does not specify a location.

No. MC 60157 (Sub-No. 25), filed February 7, 1977. Applicant: C. A. WHITE TRUCKING COMPANY, 5327 N. Central Expressway, Suite 310, Dallas, Tex. 75205. Applicant's representative: Bernard H. English, 6270 Firch Road, Fort Worth, Tex. 76116. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, materials, equipment and supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof; and (2) *earth drilling machinery and equipment, and machinery, equipment, materials, supplies and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injecting or removal of commodities into or from holes or wells, between points in Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Rhode Island, South Carolina, and Virginia, on the one hand, and, on the other, points in the United States, including Alaska but excluding Hawaii.

NOTE.—If a hearing is deemed necessary, applicant does not specify a location.

No. MC 65802 (Sub-No. 62), filed January 10, 1977. Applicant: LYNDEN TRANSPORT, INC., P.O. Box 433, Lyn-

den, Wash. 98264. Applicant's representative: James T. Johnson, 1610 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum rock*, in bulk, in hopper type vehicles, from the port of entry on the International Boundary Line between the United States and Canada located at or near Blaine, Lynden and Sumas, Wash., to points in Whatcom County, Wash.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Seattle, Wash.

No. MC 71459 (Sub-No. 61), filed January 24, 1977. Applicant: O. N. C. FREIGHT SYSTEMS, a Corporation, 4030 Fabian Way, Palo Alto, Calif. 94306. Applicant's representative: Roland Rice, Suite 501, Perpetual Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), Between junction U.S. Highway 160 and U.S. Highway 666 and junction Interstate Highway 80 and U.S. Highway 89, as an alternate route for operating convenience only in connection with carrier's authorized regular route operations, serving no intermediate points but serving junction Interstate Highway 80 and U.S. Highway 89 for purposes of joinder only: From junction U.S. Highway 160 and U.S. Highway 666, over U.S. Highway 666 to junction U.S. Highway 163, thence over U.S. Highway 163 to junction U.S. Highway 50 (also portion U.S. Highway 6), thence over U.S. Highway 50 (also portion U.S. Highway 6) to junction U.S. Highway 89 (also portion Interstate Highway 15), thence over U.S. Highway 89 (also portion Interstate Highway 15) to junction Interstate Highway 80, and return over the same routes, restricted against the transportation of shipments having a point of origin or point of destination in Colorado or Utah.

NOTE.—Common control may be involved. If hearing is deemed necessary, the applicant requests it be held at either Washington, D.C. or San Francisco, Calif.

No. MC 83835 (Sub-No. 137), filed January 31, 1977. Applicant: WALES TRANSPORTATION, INC., P.O. Box 6186, Dallas, Tex. 75222. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Bldg., Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal building material, and commodities* used in the manufacture of metal building material (except commodities in bulk), between Louisville, Ky., Nashville, Tenn., and Jacksonville, Fla., on the one hand, and, on the other, points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Michigan, Mississippi, Missouri, Maryland, New York, New Jer-



sey, North Carolina, Oklahoma, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, and West Virginia, restricted to shipments originating at or destined to the facilities of Metal Sales Manufacturing Corp. located at Louisville, Ky., Nashville, Tenn., and Jacksonville, Fla.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Dallas, Tex. or Louisville, Ky.

No. MC 87909 (Sub-No. 26), filed February 2, 1977. Applicant: ARROW MOTOR FREIGHT LINE, INC., P.O. Box 5000, Waterloo, Iowa 50704. Applicant's representative: John P. Rhodes (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen potato products*, from the plant site and warehouse facilities of Northern Star located in Minneapolis-St. Paul, Minn., to points in Nebraska, restricted to shipments originating at the above named origins and destined to the named State.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Minneapolis-St. Paul, Minn.

No. MC 93318 (Sub-No. 18), filed January 18, 1977. Applicant: JOE D. HUGHES, INC., P.O. Box 96143, Houston, Tex. 77015. Applicant's representative: Jerry C. Prestridge, P.O. Box 1148, Austin, Tex. 78767. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (A) *Machinery, equipment, materials and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, materials, equipment and supplies* used in, or in connection with the construction, operation, repair, servicing maintenance and dismantling of pipe lines, including the stringing and picking up thereof; and (B) *earth drilling machinery and equipment, and machinery, equipment, materials, supplies and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites; and (d) the injecting or removal of commodities into or from holes or wells. (1) between points in Alabama, Colorado, Florida, Georgia, Kansas, Louisiana, Mississippi, Montana, New Mexico, Oklahoma, Texas, Utah and Wyoming, on the one hand, and, on the other, point in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Rhode Island, South Carolina and Virginia; and (2) between points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North

Carolina, Rhode Island, South Carolina and Virginia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Houston, Tex., Tulsa, Okla., San Francisco, Calif., St. Louis, Mo., Pittsburgh, Pa. and Washington, D.C.

No. MC 95540 (Sub-No. 970), filed January 21, 1977. Applicant: WATKINS MOTOR LINES, INC., 1144-West Griffin Road, P.O. Box 1636, Lakeland, Fla. 33802. Applicant's representative: Benjy W. Fincher (same address as applicant).

Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Foodstuffs, in containers*, (except frozen, in bulk in tank vehicles) and *advertising matter, display racks and premiums*, when moving in the same vehicles with foodstuffs, from the facilities of American Home Foods, Division of American Home Products Corporation, located at Milton, Pa., to points in Florida and Georgia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either New York, N.Y., Washington, D.C., or Tampa, Fla.

No. MC 103051 (Sub-No. 387), filed January 26, 1977. Applicant: FLEET TRANSPORT COMPANY, INC., 934 44th Avenue, North, Nashville, Tenn. 37209. Applicant's representative: Russell E. Stone, P.O. Box 90408, Nashville, Tenn. 37209. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fertilizer, in bulk*, from Eufaula, Ala., to points in Florida and Georgia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Nashville, Tenn., or Atlanta, Ga.

No. MC 105375 (Sub-No. 68), filed January 28, 1977. Applicant: DAHLEN TRANSPORT, INC., 1680 Fourth Avenue, Newport, Minn. 55055. Applicant's representative: Joseph A. Eschenbacher, Jr. (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from Spencer and Holstein, Iowa; David City, Neb.; and Dilworth, Minn., to points in Iowa, Minnesota, Nebraska, North Dakota, and South Dakota.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill., or St. Paul, Minn.

No. MC 105636 (Sub-No. 35), filed January 24, 1977. Applicant: ARMEL-LINI EXPRESS LINES, INC., Oak and Brewster Roads, Vineland, N.J. 08360. Applicant's representative: Clarence William Vandegrift, 734 Fifteenth St., NW., Washington, D.C. 20005. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, frozen foods, commodities in bulk, and those requiring special equipment), from Akron, Cincinnati, and Cleveland, Ohio, Baltimore, Md., Boston, Mass., Milford, Conn., Moonachie, N.J.,

Philadelphia, Pa., and Syracuse, N.Y., to Amarillo, Dallas, Fort Worth, El Paso, Houston, Laredo, Lubbock, and San Antonio, Tex., restricted to traffic moving on bills of lading for freight forwarders; and, further restricted to shipments originating at or destined to the facilities of Florida-Texas Freight, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 106195 (Sub-No. 11), filed January 19, 1977. Applicant: CLARK BROS. TRANSFER, INC., P.O. Box 388, Norfolk, Nebr. 68701. Applicant's representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Portage, Ind., to the facilities of the Vulcraft Division of Nucor Corporation located at or near Norfolk, Nebr.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr.

No. MC 106644 (Sub-No. 236), filed January 24, 1977. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770 Peyton Road N.W., Atlanta, Ga. 30318. Applicant's representative: Hubert Johnson, P.O. Box 916, Atlanta, Ga. 30301. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Construction, earth moving, excavating, and material handling machinery and equipment*; (2) *attachments, accessories, and parts* for the commodities named in (1) above, when moving in the same shipment with the commodities named in (1) above; and (3) *attachments, parts, and accessories* being returned for repair, service, exchange or warranty, between the facilities of Clark Equipment Company, located at or near Skyland, N.C., on the one hand, and, on the other, points in the United States, including Alaska, but excluding Hawaii.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Lansing, Mich., or Washington, D.C.

No. MC 107002 (Sub-No. 496), filed January 24, 1977. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, U.S. Highway 80, West Jackson, Miss. 39205. Applicant's representative: John J. Borth, P.O. Box 8575, Battlefield Station, Jackson, Miss. 39204. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, from the plantsite and storage facilities of Degussa Alabama, Inc., located in Mobile County, Ala., to points in Maryland and Virginia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Mobile, Ala.

No. MC 107515 (Sub-No. 1048), filed January 19, 1977. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 30050. Applicant's representative: Alan E. Serby, 3379



Peachtree Road, N.E., Suite 308, Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pickles, pickled tomatoes, sauerkraut and relishes*, in vehicles equipped with mechanical refrigeration (except commodities in bulk, in tank vehicles), from the plantsite of Claussen Pickle Co., wholly owned subsidiary of Oscar Mayer & Co., Inc., located at or near Woodstock, Ill., to points in Alabama, Florida, Georgia, Michigan, (lower peninsula), Mississippi, North Carolina, South Carolina, Tennessee and Virginia, restricted to traffic originating at the named origin and destined to points in the named states as above.

**NOTE.**—Applicant holds contract carrier authority in MC 126436 (Sub-No. 2), therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Madison, Wis., or Chicago, Ill.

No. MC 107515 (Sub-No. 1049), filed January 31, 1977. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 30326. Applicant's representative: Alan E. Serby, 3379 Peachtree Road NE., Suite 375, Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the plantsite and warehouse facilities utilized by Western Farmers Association located at Milton-Freewater, Oreg. and Walla Walla, Wash., to points in Georgia, Illinois, North Carolina, Ohio, Pennsylvania, South Carolina and Tennessee.

**NOTE.**—Applicant holds contract carrier authority in No. MC 126436 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Seattle, Wash. or San Francisco, Calif.

No. MC 108393 (Sub-No. 115), filed January 26, 1977. Applicant: SIGNAL DELIVERY SERVICE, INC., 201 East Ogden Avenue, Hinsdale, Ill. 60521. Applicant's representative: Thomas B. Hill (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Electrical and gas appliances, parts of electrical and gas appliances and equipment, materials and supplies* used in the manufacture, distribution and repair of electrical and gas appliances, between St. Paul, Minn., on the one hand, and, on the other, points in Tupelo, Miss., under a continuing contract or contracts with Whirlpool Corporation.

**NOTE.**—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 108676 (Sub-No. 100), filed January 26, 1977. Applicant: A. J. METLER HAULING & RIGGING, INC., 117 Chicamauga Avenue, Konxville, Tenn. 37917. Applicant's representative: Louis J. Amato, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor

vehicle, over irregular routes, transporting: (1) *Trailers and trailer chassis* (except those designed to be drawn by passenger automobiles), and *trailer converter dollies* in initial movements in truckaway service, from points in McMinn County, Tenn., to points in the United States, including Alaska but excluding Hawaii; (2) *trailers and trailer chassis* (except those designed to be drawn by passenger automobiles), and *trailer converter dollies* in secondary movements in truckaway service; and (3) *motor vehicle bodies, packer bodies, lift gates, and containers and hoists and materials, supplies and parts* (except commodities in bulk) used in the manufacture, assembly or servicing of the commodities described in (1), (2), and (3) above, between points in the United States, including Alaska, but excluding Hawaii, on the one hand, and, on the other, points in McMinn County, Tenn.

**NOTE.**—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 108835 (Sub-No. 39), filed January 21, 1977. Applicant: HYMAN FREIGHTWAYS INC., 1745 University Ave., St. Paul, Minn. 55104. Applicant's representative: Rodney L. Trocke, 2690 North Prior Ave., Roseville, Minn. 55113. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Electric ranges and microwave ovens and such commodities* as are used in the manufacture of electric ranges and microwave ovens, including *Materials, supplies and accessories* related thereto, between the plantsite and storage facilities utilized in Litton Microwave Cooking Products, located at Sioux Falls, S. Dak., on the one hand, and, on the other, points in Arkansas, Illinois, Indiana, Kansas, Kentucky, Michigan, Minnesota, Missouri, Ohio, Oklahoma, Texas and Wisconsin, restricted to traffic originating at or destined to the above named facilities, located at Sioux Falls, S. Dak.; and (2) *such commodities* as are dealt in by retail and wholesale department and hardware stores (except commodities in bulk), from points in Illinois, Indiana, Michigan, Missouri, Ohio and Wisconsin, to Brookings, S. Dak., restricted to the transportation of traffic destined to the facilities of Coast to Coast Stores Central Organization, Inc., located at Brookings, S. Dak.

**NOTE.**—If a hearing is deemed necessary, the applicant requests that it be held at either St. Paul, Minn., or Sioux Falls, S. Dak.

No. MC 109028 (Sub-No. 13), filed January 26, 1977. Applicant: S. & W. TRANSFER, INC., 1050 East Bay Street, Milwaukee, Wis. 53207. Applicant's representative: William P. Jackson, Jr., 3426 North Washington Boulevard, P.O. Box 1267, Arlington, Va. 22210. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Petroleum products and lubricating oils* in containers, from the plantsite and warehouse facilities of Mobil Oil Corporation located at or near St. Paul, Minn., to points in Wisconsin

and the Upper Peninsula of Michigan; and (2) *empty containers* for petroleum products and lubricating oils, from points in Wisconsin and the Upper Peninsula of Michigan, to St. Paul, Minn., under a continuing contract or contracts with Mobil Oil Corporation.

**NOTE.**—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C. or Dallas, Tex.

No. MC 109136 (Sub-No. 45), filed January 28, 1977. Applicant: ORIOLE CHEMICAL CARRIERS, INC., 1740 E. Joppa Road, Suite 303, Baltimore, Md. 21234. Applicant's representative: Maxwell A. Howell, 1100 Investment Building, 1511 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dry caustic soda*, in bulk, from Delaware City, Del. to points in Massachusetts, New York, and Ohio, restricted to a transportation service to be performed under a continuing contract or contracts with Diamond Shamrock Corporation, located at Cleveland, Ohio.

**NOTE.**—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 110683 (Sub-No. 115), filed January 19, 1977. Applicant: SMITH'S TRANSFER CORPORATION, Post Office Box 1000, Staunton, Va. 24401. Applicant's representative: Thomas N. Willess, 1000 16th Street NW., Suite 502, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except articles of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment): *Serving the plant site of Playhouse Company, Inc.*, located at or near Plymouth, Minn., as an off-route point in connection with applicant's presently held regular route authority to serve Minneapolis and St. Paul, Minn.

**NOTE.**—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C., or Minneapolis, Minn.

No. MC 111545 (Sub-No. 233), filed January 27, 1977. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30065. Applicant's representative: Robert E. Born (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles (except recreational vehicles such as travel trailers and campers), and *buildings*, complete or in sections, mounted on wheeled undercarriages (except modular units and prefabricated buildings), in initial and secondary movements, from points in Alabama, Florida, Georgia, Indiana, Louisiana, Mississippi, North Carolina, South Carolina and Texas, to points in the United States, including Alaska, but excluding Hawaii.



NOTE.—If a hearing is deemed necessary, applicant requests that it be held in Atlanta, Ga., Tampa, Fla., and New Orleans, La.

No. MC 112750 (Sub-No. 337), filed January 27, 1977. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, N.Y. 11040. Applicant's representative: Elizabeth L. Henoch (same address as applicant). Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Microfilm, microfiche, microforms and related items*, used in the business of banks and banking institutions, (1) between Metairie, La., on the one hand, and, on the other, points in Mississippi; (2) between Baltimore, Md., on the one hand, and, on the other, points in Virginia and West Virginia; (3) between Framingham, Mass., on the one hand, and, on the other, points in Maine, New Hampshire and Rhode Island; (4) between Minneapolis, Minn., on the one hand, and, on the other, points in Wisconsin; (5) between Cincinnati, Ohio, on the one hand, and, on the other, points in Indiana, Kentucky, and West Virginia; (6) between Ft. Washington, Pa., on the one hand, and, on the other, points in New Jersey; and (7) between Parkersburg, W. Va., on the one hand, and, on the other, points in Ohio; (1) through (7) above are under a continuing contract, or contracts, with banks and banking institutions.

NOTE.—Applicant holds common carrier authority in No. MC 111729 (Sub-No. 26 and other subs); therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 112822 (Sub-No. 412), filed January 31, 1977. Applicant: BRAY LINES INCORPORATED, 1401 N. Little Street, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Charles D. Midkiff (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except meat, meat products, meat by-products, dairy products, frozen fruits, vegetables, berries, french fries, pizza, pizza pie ingredients and chilled and frozen bakery products, and except commodities in bulk), from the facilities of Merchants Refrigerating Company located at or near Denver, Colo., to points in Oklahoma and Texas, restricted to the transportation of traffic originating at the above named origin and destined to the above named destination points.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Denver, Colo. or Oklahoma City, Okla.

No. MC 113828 (Sub-No. 243), filed February 1, 1977. Applicant: O'BOYLE TANK LINES, INCORPORATED, P.O. Box 30006, Washington, D.C. 20014. Applicant's representative: William P. Sullivan, Federal Bar Building West, Suite 1030, 1819 H Street NW., Washington, D.C. 20006. Authority sought to

operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Sand*, in bulk and in bags, from Norfolk, Va., to points in North Carolina and Virginia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 113843 (Sub-No. 238), filed January 28, 1977. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Pickles, pickled tomatoes, sauerkraut and relishes*, (except commodities in bulk, in tank vehicles equipped with mechanical refrigeration, from the plant site of Claussen Pickle Co., a wholly owned subsidiary of Oscar Mayer & Co., Inc., located at or near Woodstock, Ill., to points in Connecticut, Delaware, Indiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to the transportation of traffic originating at the plant site of Claussen Pickle Co., located at or near Woodstock, Ill., and destined to the above destinations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 114273 (Sub-No. 289), filed January 24, 1977. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Robert B. Konchar, Suite 315 Commerce Exchange Building, 2720 First Avenue NE., P.O. Box 1943, Cedar Rapids, Iowa 52406. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Chemicals* (except in bulk, in tank vehicles), from Joliet, Ill. and Lawrence, Kans., to points in Iowa.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 114273 (Sub-No. 290), filed January 24, 1977. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Robert E. Konchar, Suite 315, Commerce Exchange Building, 2720 First Avenue NE., P.O. Box 1943, Cedar Rapids, Iowa 52406. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Omaha, Nebr., and St. Paul, Minn., to points in Ohio, Maryland, and Virginia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 114273 (Sub-No. 291), filed January 31, 1977. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Robert E. Konchar, Suite 315, Commerce Exchange Bldg., 2720 First Avenue NE., P.O. Box 1943, Cedar Rapids, Iowa 52406. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Norton, Ohio, to points in Iowa and Minnesota.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 115162 (Sub-No. 347), filed January 26, 1977. Applicant: POOLE TRUCK LINE, INC., Post Office Drawer 500, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from Cantonment, Fla., to points in Illinois, Indiana, New York, Ohio, Pennsylvania, West Virginia and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Pensacola, Fla., or Birmingham, Ala.

No. MC 115495 (Sub-No. 33), filed January 27, 1977. Applicant: UNITED PARCEL SERVICE, INC., an Ohio corporation, 300 North 2nd Street, St. Charles, Ill. 60174. Applicant's representatives: S. Harrison, Kahn, 733 Investment Building, 1511 K Street, NW., Washington, D.C. 20005. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment), (1) between the premises of the Catalog Distribution facilities of J. C. Penney Company, Inc., located in Wauwatosa, Wis.; Forest Park, Ga.; and Columbus, Ohio, on the one hand, and on the other, points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Utah, Washington, Wisconsin and Wyoming; and (2) between the premises of the Catalog Distribution facilities of J. C. Penney Company, Inc., located in Wauwatosa, Wis.; Forest Park, Ga.; and Columbus, Ohio, on the one hand, and, on the other, points in Pennsylvania, West Virginia and Virginia within ten-miles of the Pennsylvania-Ohio, the West Virginia-Kentucky, the Virginia-Tennessee, and the Virginia-North Carolina State lines, restricted in (1) above against the transportation of any package and article weighing more than 50 pounds or exceeding 108 inches in length and girth combined, and each package or article shall be considered as a separate and distinct shipment; and further restrict-



ed in (2) above against the transportation of packages and articles weighing in the aggregate more than 100 pounds from one consignor at one location to one consignee at one location on any one day.

NOTE.—Applicant holds contract carrier authority in MC 13426 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 115730 (Sub-No. 26), filed January 24, 1977. Applicant: THE MCKOW CORP., 531 SW 6th Street, P.O. Box 1774, Des Moines, Iowa 50309. Applicant's representative: Cecil L. Goettsch, 1100 Des Moines Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *steel bar joist and trusses*; (b) *metal roof deck*; (c) *metal siding*; and (d) *accessories for the commodities named in (a), (b) and (c) above*, from Norfolk, Nebr., to points in Colorado, Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, North Dakota, South Dakota, Wisconsin and Wyoming; and (2) *materials, equipment and supplies used in the manufacture of the commodities in (1) above*, from points in Colorado, Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, North Dakota, South Dakota, Wisconsin and Wyoming to Norfolk, Nebr.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr., or Washington, D.C.

No. MC 115840 (Sub-No. 109), filed January 28, 1977. Applicant: COLONIAL FAST FREIGHT LINES, INC., 9041 Executive Park Drive—Building 100, Suite 110, Knoxville, Tenn. 37919. Applicant's representative: Chester Groebel (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Non-ferrous metals and non-ferrous scrap metals*, between Mannel, Brazoria County, Tex., on the one hand, and, on the other points in Alabama, Arkansas, Georgia, Indiana, Illinois, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Oklahoma, and Tennessee.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Houston or Dallas, Tex.

No. MC 116200 (Sub-No. 11), filed January 27, 1977. Applicant: UNITED PARCEL SERVICE, INC., a New York corporation, 643 West 43rd Street, New York, N.Y. 10036. Applicant's representative: S. Harrison Kahn, 733 Investment Building, 1511 K Street, N.W., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, (except those of unusual value. Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New

York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia and the District of Columbia, restricted to packages originating at, or destined to the premises of the Catalog Distribution facilities of J. C. Penney Company, Inc., located in Wauwatosa, Wis., Forest Park, Ga. and Columbus, Ohio, having an immediately prior or subsequent movement by United Parcel Service, Inc. (an Ohio Corporation), and further restricted against the transportation of any package and article weighing more than 50 pounds and exceeding 108 inches in length and girth combined, and each package or article shall be considered as a separate and distinct shipment; and then further restricted against the transportation of packages or articles weighing in the aggregate more than 100 pounds from one consignor at one location to one consignee at one location on any one day.

NOTE.—Applicant holds contract carrier authority in MC 63063 and Sub-No. 4, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 116763 (Sub-No. 362), filed January 31, 1977. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Applicant's representative: H. M. Richters, P.O. Box 81, Versailles, Ohio 45380. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic articles, containers, woodpulp articles, dishes, plates and trays*, from the facilities of Huntsman Container Corporation located at or near Troy and Dayton, Ohio, to points in the United States in and east of Colorado, Nebraska, North Dakota, Oklahoma, South Dakota and Texas; and (2) *commodities named in (1) above, and equipment, materials, and supplies used in the manufacture and distribution of the commodities named in (1) above*, from points in the United States in and east of Colorado, Nebraska, North Dakota, Oklahoma, South Dakota and Texas, to the facilities of Huntsman Container Corporation located at or near Troy and Dayton, Ohio.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Portland, Maine.

No. MC 117344 (Sub-No. 259), filed February 1, 1977. Applicant: THE MAXWELL CO., 10380 Evendale Drive, Cincinnati, Ohio 45215. Applicant's representative: James R. Stiverson, 1396 West Fifth Avenue, Columbus, Ohio 43212. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ferrous chloride and spent pickle liquor*, in bulk, in tank vehicles, from Middletown, Ohio, to points in Indiana and Kentucky.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Columbus, Ohio.

No. MC 117765 (Sub-No. 222), filed January 31, 1977. Applicant: HAHN TRUCK LINE, INC., 5315 N.W. 5th Street, Oklahoma City, Okla. 73107. Ap-

plicant's representative: R. E. Hagan (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles* (except in bulk), from Shawnee, Okla., to points in Alabama, Arkansas, Colorado, Illinois, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, Oklahoma, Tennessee, Texas and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 119118 (Sub-No. 57), filed January 25, 1977. Applicant: McCURDY TRUCKING, INC., P.O. Box 388, Latrobe, Pa. 15650. Applicant's representative: Paul F. Sullivan, 711 Washington Blvd., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by retail department stores*, from North Bergen, Hoboken and Jersey City, N.J., to Pittsburgh, Pa., restricted to traffic moving on bills of lading of freight forwarders.

NOTE.—Applicant holds contract carrier authority in MC 116564 and (Sub-No. 22) thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C. or Pittsburgh, Pa.

No. MC 119399 (Sub-No. 68), filed January 24, 1977. Applicant: CONTRACT FREIGHTERS, INC., 2900 Davis Boulevard, Joplin, Mo. 64801. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Bldg., 3535 N.W. 58th Street, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese*, in containers, from points in Iowa, Nebraska and South Dakota, to the plant-site and warehouse facilities of L. D. Schreiber Cheese Co., Inc., located at or near Monett, Mo.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo.

No. MC 119489 (Sub-No. 44), filed January 24, 1977. Applicant: PAUL ABLER, doing business as CENTRAL TRANSPORT COMPANY, 2500 N. 13th Street, P.O. Box 249, Norfolk, Nebr. 68701. Applicant's representative: Wilburn L. Williamson, 380 National Foundation Life Bldg., 3535 N.W. 58th Street, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia, nitrogen fertilizer solutions, and urea liquor*, from the plantsites of Oklahoma Nitrogen Corporation and Bison Chemical Company, located at or near Woodward, Okla., to points in Arkansas, Colorado, Kansas, Iowa, Louisiana, Missouri, Nebraska, New Mexico, Oklahoma, South Dakota and Texas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Oklahoma City, Okla.



No. MC 119726 (Sub-No. 81), filed January 28, 1977. Applicant: N.A.B. TRUCKING CO., INC., 1644 W. Edgewood Ave. Indianapolis, Ind. 46217. Applicant's representative: James L. Beaty, 130 E. Washington St., Suite 1000, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic articles, containers, woodpulp articles, dishes, plates and trays* from the facilities of Huntsman Container Corporation, located at or near Memphis, Tenn., to points in the United States in and east of North Dakota, South Dakota, Nebraska, Colorado, Oklahoma, and Texas; and (2) *commodities* named in (1) above; and *equipment, materials, and supplies* used in the manufacture and distribution of the commodities named in (1) above, from points in the United States in and east of North Dakota, South Dakota, Nebraska, Colorado, Oklahoma, and Texas, to the facilities of Huntsman Container Corporation located at or near Memphis, Tenn.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Indianapolis, Ind., or Memphis, Tenn.

No. MC 119726 (Sub-No. 82), filed January 28, 1977. Applicant: N.A.B. TRUCKING CO., INC., 1644 W. Edgewood Ave. Indianapolis, Ind. 46217. Applicant's representative: James L. Beaty, 130 E. Washington St., Suite 1000, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic articles, containers, woodpulp articles, dishes, plates and trays* from the facilities of Huntsman Container Corporation, located at or near Troy and Dayton, Ohio, to points in the United States in and east of North Dakota, South Dakota, Nebraska, Colorado, Oklahoma, and Texas; and (2) *commodities* named in (1) above; and *equipment, materials, and supplies* used in the manufacture and distribution of the commodities in (1) above, from points in the United States in and east of North Dakota, South Dakota, Nebraska, Colorado, Oklahoma, and Texas, to the facilities of Huntsman Container Corporation located at or near Troy and Dayton, Ohio.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Indianapolis, Ind., or Chicago, Ill.

No. MC 119774 (Sub-No. 92), filed February 3, 1977. Applicant: EAGLE TRUCKING COMPANY, a Corporation, P. O. Box 471, Kilgore, Tex. 75662. Applicant's representative: Bernard H. English, 6270 Firth Road, Fort Worth, Tex. 76116. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe*, as described in *Mercer Extension—Oil Field Commodities* 74 M.C.C. 459, used in, incidental to, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, including the stringing

and picking up of main pipelines from Lone Star, Texas and points within 5 miles thereof, to points in Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Rhode Island, South Carolina, and Virginia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held on a consolidated hearing with similar applications at either Dallas or Houston, Tex.

No. MC 120257 (Sub-No. 32), filed January 26, 1977. Applicant: K. L. BREEDEN & SONS, INC., 401 Alamo Street, Terrell, Tex. 75160. Applicant's representative: Bernard H. English, 6270 Firth Road, Fort Worth, Tex. 76116. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe*, as described in *Mercer Extension—Oil Field Commodities*, 74 M.C.C. 459, used in, incidental to, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, including the stringing and picking up of main pipelines, from Lone Star, Tex., and points within 5 miles thereof, to points in Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Rhode Island, South Carolina and Virginia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Dallas or Houston, Tex.

No. MC 120257 (Sub-No. 33), filed February 2, 1977. Applicant: K. L. BREEDEN & SONS, INC., 401 Alamo St., Terrell, Tex. 75160. Applicant's representative: Bernard H. English, 6270 Firth Road, Fort Worth, Tex. 76116. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, materials, equipment and supplies* use in, or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof; and (2) *earth drilling machinery and equipment, and machinery, equipment, materials, supplies and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injecting or removal of commodities into or from holes or wells, between points in Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North

Carolina, Rhode Island, South Carolina, and Virginia, on the one hand, and, on the other, points in the United States, including Alaska but excluding Hawaii.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held on a consolidated record with similar applications at Houston and Dallas, Tex.

No. MC 120903 (Sub-No. 3), filed January 14, 1977. Applicant: MARIETTA MOTOR FREIGHT, INC., P.O. Box 291, Marietta, Ohio 45750. Applicant's representative: Jacob P. Billig, 2033 K Street, N.W., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Aluminum articles, and equipment and materials*, used in the manufacture of aluminum articles between the plantsite and facilities of Kaiser Aluminum Chemical Corporation located at Ravenswood Works, W. Va., on the one hand, and, on the other, points in Ohio; (2) *general commodities*, between Caywood, Constitution, Cornerville, Devola, Devol's Dam, Gravel Bank, Hills, Marietta, McAvan, Moore's Junction, Netop, Pinehurst, Reno, Riverview, Sandhill, Tunnel, Unionville and Westview, Ohio, on the one hand, and, on the other, points in Ohio; (3) *general commodities*, between points in Washington County, Ohio (except Belpre and Warner, Ohio); and (4) *household goods, office furniture and fixtures, gas and oil well supplies and equipment, farm supplies, farm products, fresh fruits and vegetables, clay products, livestock and boats*, between points in Washington County, Ohio, on the one hand, and, on the other, points in Ohio.

NOTE.—Applicant states that the authority in (2), (3) and (4) above is a conversion of its Certificate of Registration to a Certificate of Public Convenience and Necessity. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 123407 (Sub-No. 355), filed February 3, 1977. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Polyethylene foam* (except in bulk), from High Point, N.C., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at either Minneapolis, Minn. or Washington, D.C.

No. MC 123543 (Sub-No. 2), filed January 19, 1977. Applicant: FANELLI'S EXPRESS, INC., Campion Road, New Hartford, N.Y. 13413. Applicant's representative: Murray J. S. Kirshtein, 118 Bleecker Street, Utica, N.Y. 13501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated and plastic shipping containers, materials, supplies and machinery* used in the manufacture thereof, (1) from New Hartford, N.Y., to Hamden, Hartford, and West Hartford, Conn.; Everett, Lawrence, and Spring-



field, Mass.; Waltham, Maine; Londonderry, N.Y.; Carlstadt, Flemington, Hackensack and Secaucus, N.J.; East Stroudsburg, Erie, Franklin, Lancaster, Leetsdale, Middletown, Reading, Stroudsburg, West Reading and Wynnewood, Pa.; Bennington, Charlotte, Hinesburg, St. Albans and Winooski, Vt.; and (2) from Boston, Canton, Dyde Park, Palmer, Springfield and Wakefield, Mass.; Bangot, Dixfield, Oakland, Old Town, Passadumkeag, and Portland, Maine; Stirling, N.J.; Gettysburg and Erie, Pa., to New Hartford, N.Y., under a continuing contract or contracts with Mohawk Containers Inc.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Utica or Syracuse or Albany, N.Y.

No. MC 124117 (Sub-No. 21), filed January 26, 1977. Applicant: EARL FREEMAN, doing business as, MID-TENN EXPRESS, P.O. Box 101, Eagleville, Tenn. 37060. Applicant's representative: Robert L. Baker, 618 United American Bank Building, Nashville, Tenn. 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and related advertising materials*, (1) from St. Louis, Mo., to Nashville, Tenn.; (2) from Newport, Ky., to points in Tennessee on and west of the western traversal of the Tennessee River and points in Alabama and Georgia; (3) from Chicago, Ill., to points in Alabama, Florida, Georgia, Kentucky, North Carolina, South Carolina and Tennessee; and (4) from Evansville, Ind., to Knoxville, Tenn.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Nashville, Tenn.

No. MC 124211 (Sub-No. 287), filed February 1, 1977. Applicant: HILT TRUCK LINE, INC., P.O. Box 988 D.T.S., Omaha, Nebr. 68101. Applicant's representative: Thomas L. Hilt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Floor coverings, vinyl sheet goods, and adhesives*, from points in Salem County, N.J., to those points in that part of the United States in and west of Montana, Wyoming, Utah, New Mexico and Texas (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be heard on a consolidated record with similar application at Washington, D.C.

No. MC 127012 (Sub-No. 3), filed January 17, 1977. Applicant: WILLIAM B. HUFF, Rt. 1, Box 361, Spanish Fork, Utah 84660. Applicant's representative: William B. Huff (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in packages, from Solar, Utah, to points in Arizona.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 127042 (Sub-No. 188), filed January 19, 1977. Applicant: HAGEN, INC., 3232 Highway 75 North, P.O. Box 98-Leeds Station, Sioux City, Iowa 51108. Applicant's representative: Robert G. Tessar (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 and articles distributed by meat packinghouses* (except hides and commodities in bulk) as defined 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 plant sites and warehouse facilities of Wilson Foods Corporation located at or near Albert Lea, Minn., and Cherokee, Iowa, to Denver, Colo., restricted to the transportation of traffic originating at the above named origins and destined to the named destinations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Dallas, Tex., or Kansas City, Mo.

No. MC 128527 (Sub-No. 75), filed January 31, 1977. Applicant: MAY TRUCKING COMPANY, a Corporation, P.O. Box 398, Payette, Idaho 83661. Applicant's representative: Edward G. Rawle, 4635 S.W. Lake View Blvd., Lake Oswego, Oreg. 97034. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and articles distributed by meat packinghouses* as described in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of Armour & Co., located at or near Nampa, Idaho, to points in Oregon and Washington.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Boise, Idaho; Portland, Oreg.; or Phoenix, Ariz.

No. MC 128527 (Sub-No. 76), filed January 31, 1977. Applicant: MAY TRUCKING COMPANY, a Corporation, P.O. Box 398, Payette, Idaho 83661. Applicant's representative: Edward G. Rawle, 4635 S.W. Lake View Blvd., Lake Oswego, Oreg. 97034. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are used in the manufacture of mobile homes, recreational vehicles and campers* (except commodities in bulk in tank vehicles), from the plantsite of Champion Home Builders, Weiser Products Division located at or near Weiser, Idaho, to the plantsite and facilities of Champion Home Builders, Champion Home Division located at or near Brigham City, Utah.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Boise, Idaho or Portland, Oreg.

No. MC 129328 (Sub-No. 8), filed January 28, 1977. Applicant: PALTEX TRANSPORT CO., a Corporation, P.O. Box 296, Palestine, Tex. 75801. Applicant's representative: Kenneth R. Hoffman, 1100 Milam Bldg., Suite 3300, Houston, Tex. 77002. Authority sought to operate as a *contract carrier*, by motor ve-

hicle, over irregular routes, transporting: (1) *Paper and paper products, wooden and paper pallets*, from the facilities of Western Kraft Paper Group-Willamette Industries, Inc., located at or near Grand Prairie, Tex., to points in Arkansas, Georgia, Kansas, Louisiana, Missouri, New Mexico, Oklahoma, and Texas; and (2) *materials, equipment and supplies* used in the manufacture, sale, or distribution of the commodities in (1) above, from points in Arkansas, Kansas, Georgia, Louisiana, Missouri, New Mexico, Oklahoma, and Texas, to the facilities of Western Kraft Paper Group-Willamette Industries, Inc. located at or near Grand Prairie, Tex., restricted in (1) and (2) above against the transportation of commodities in bulk, and restricted to a transportation service to be performed under a continuing contract or contracts with Western Kraft Paper Group-Willamette Industries, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Dallas or Houston, Tex.

No. MC 129480 (Sub-No. 26), filed January 24, 1977. Applicant: TRI-LINE EXPRESSWAYS LTD., 550-71 Avenue, S.E., Calgary, Alberta, Canada T2H 0S6. Applicant's representative: Edward T. Lyons, 1600 Lincoln Center Building, 1660 Lincoln Street, Denver, Colo. 80264. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which because of size or weight requires the use of special equipment, *related machinery parts and related contractors' materials and supplies* when their transportation is incidental to the transportation of commodities which by reason of size or weight require special equipment, between ports of entry on the International Boundary line between the United States and Canada located in Alaska, Idaho, Minnesota, Montana, North Dakota, and Washington, on the one hand, and, on the other, points in Alaska, Arizona, California, Colorado, Idaho, Illinois, Iowa, Kansas, Minnesota, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wisconsin and Wyoming, restricted to the transportation of shipments originating at or destined to points in Alberta, British Columbia, Manitoba, and Saskatchewan Provinces, and the Northwest territory of Canada.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests Denver, Colo., and Billings, Mont.

No. MC 133095 (Sub-No. 143), filed January 31, 1977. Applicant: TEXAS CONTINENTAL EXPRESS, INC., P.O. Box 434, Euless, Tex. 76039. Applicant's representative: Paul M. Daniell, P.O. Box 872, Atlanta, Ga. 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Drugs and intravenous solutions* in containers, in vehicles equipped to provide protective service in transit, from the plantsite and ware-



house facilities of Invenex Pharmaceuticals, located in Erie County, N.Y., to points in the United States in and west of Florida, Georgia, Kentucky, Michigan, Ohio and Tennessee (except Alaska and Hawaii); (2) *glass containers*, from Millville, N.J., and Chicago Heights, Ill., to the plantsite and warehouse facilities of Invenex Pharmaceuticals, located in Erie County, N.Y.; and (3) *stopper enclosures, aluminum seals, aluminum and plastic seals*, from Petersburg, Fla., to the plantsite and warehouse facilities of Invenex Pharmaceuticals, located in Erie County, N.Y., restricted to the transportation of traffic originating at and destined to the points named.

**NOTE:** Applicant holds contract carrier authority in MC 136032 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 133095 (Sub-No. 144), filed February 1, 1977. Applicant: TEXAS CONTINENTAL EXPRESS, INC., P.O. Box 434, Euless, Tex. 76039. Applicant's representative: Paul M. Daniell, P.O. Box 872, Atlanta, Ga. 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Drugs, shampoo, soap, toilet articles*, in vehicles equipped with mechanical refrigeration, from the facilities of Westwood Pharmaceuticals, Inc., located at or near Buffalo, N.Y., to those points in that part of the United States in and west of Wisconsin, Illinois, Missouri, Arkansas and Louisiana (except Alaska and Hawaii).

**NOTE:**—Applicant holds contract carrier authority in No. MC 136032 and subs thereunder, therefore dual operations may be involved. The purpose of this application is to convert this existing contract carrier authority to common carrier authority. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Buffalo, N.Y., or Dallas, Tex.

No. MC 133591 (Sub-No. 31), filed January 31, 1977. Applicant: WAYNE DANIEL TRUCK, INC., P.O. Box 303, Mount Vernon, Mo. 65712. Applicant's representative: Harry Ross, 58 South Main Street, Winchester, Ky. 40391. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Vehicle suspension systems, component parts of vehicle suspension systems, and attachments and accessories*, of vehicle suspension systems, from Mount Vernon, Mo., to points in Arizona, California, Colorado, Idaho, Kansas, Montana, Nevada, New Mexico, Oklahoma, Oregon, Texas, Utah, Washington and Wyoming; and (2) *scrap metals* (except nonferrous scrap metal), from Mount Vernon, Mo., to Fredonia, Kans.

**NOTE:**—Applicant holds contract carrier authority in MC 134494 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 133796 (Sub-No. 42), filed January 26, 1977. Applicant: GEORGE APPEL, 249 Carverton Road, Trucksville, Pa. 18708. Applicant's representative: Joseph F. Hoary, 121 S. Main Street,

Taylor, Pa. 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such commodities* as are dealt in by retail grocery stores; and (2) *commodities exempt from economic regulations* pursuant to Section 203 (b) (6) of the Act when transported in mixed loads with such commodities as are dealt in by retail grocery stores, between Milton, Sunbury and Northumberland, Pa., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

**NOTE:** Applicant holds contract authority in MC 129329 therefore, dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 133816 (Sub-No. 11), filed January 31, 1977. Applicant: K & K WHOLESALE CO., a Corporation, P.O. Box 328, Lowell, Ore. 97452. Applicant's representative: Howard E. Speer, 835 East Park Street, Eugene, Ore. 97401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, plywood, lumber mill products, hardboard and particle board*, between points in Clark, Cowlitz, Lewis, and Thurston Counties, Wash., on the one hand, and, on the other, points in Clark County, Nev.

**NOTE:** If a hearing is deemed necessary, the applicant requests it be held at Eugene, Ore.

No. MC 134375 (Sub-No. 13), filed February 2, 1977. Applicant: ELDON GRAVES, doing business as ELDON GRAVES TRUCKING, P.O. Box 3044, Union Gap, Wash. 98903. Applicant's representative: Philip G. Skofstad, P.O. Box 594, Gresham, Ore. 97030. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molded, pressed or expanded forms, containers and shapes, paper and wood pulp*, (1) from Sacramento, Calif., to points in Oregon and Washington; and (2) from points in Washington to points in California.

**NOTE:** If a hearing is deemed necessary, the applicant requests it be held at Portland, Ore.

No. MC 134970 (Sub-No. 12), filed January 31, 1977. Applicant: UNZICKER TRUCKING, INC., P.O. Box 35, Highway 24 East, El Paso, Ill. 61738. Applicant's representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural pesticides*, from the plantsite and warehouse facilities utilized by Shell Chemical Company, a division of Shell Oil Company located at or near El Paso, Ill., to points in Illinois, Indiana, Iowa, Minnesota, Missouri, New Jersey, North Carolina, Ohio, and Tennessee.

**NOTE:** If a hearing is deemed necessary, the applicant requests it be held at Houston, Tex.

No. MC 135078 (Sub-No. 12), filed January 28, 1977. Applicant: AMERI-

CAN TRANSPORT, INC., 7850 F Street, Omaha, Nebr. 68127. Applicant's representative: Frederick J. Coffman, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Floor covering*, from Lancaster and Landisville, East Hampfield Township, Pa., to points in Illinois, Indiana, Minnesota, Ohio and Wisconsin, restricted to traffic originating at the above-named origins and destined to the above-named destinations.

**NOTE:** Applicant holds contract carrier authority in No. MC 135007 (Sub-No. 1 and other subs); therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or Omaha, Nebr.

No. MC 135779 (Sub-No. 4), filed January 6, 1977. Applicant: BALDWIN TRUCKING, INC., 192 98th Avenue, Oakland, Calif. 94603. Applicant's representative: E. H. Griffiths, 1182 Market Street, Suite 207, San Francisco, Calif. 94102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except used household goods; automobiles, trucks and buses; livestock; liquids, in bulk; commodities transported in bulk in dump or hopper-type trucks; commodities transported in vehicles equipped for mechanical mixing in transit; cement; logs; commodities of unusual value; commodities requiring temperature control; and fresh fruits and vegetables), between points in the San Francisco Territory. The San Francisco Territory includes all the City of San Jose and that area embraced by the following boundary: Beginning at the point the San Francisco-San Mateo County Line meets the Pacific Ocean; thence easterly along said County Line to a point one mile west of State Highway 82; southerly along an imaginary line one mile west of and paralleling State Highway 82 to its intersection with Southern Pacific Company right-of-way at Arstradero Road; southeasterly along the Southern Pacific Company right-of-way to Pollard Road, including industries served by the Southern Pacific Company spur line extending approximately two miles southwest from Simla to Permanente; easterly along Pollard Road to W. Parr Avenue; easterly along W. Parr Avenue to Capri Drive; southerly along Capri Drive to Division Street; easterly along Division Street to the Southern Pacific Company right-of-way; southerly along the Southern Pacific right-of-way to the Campbell-Los Gatos City Limits; easterly along said limits and the prolongation thereof to South Bascom Avenue (formerly San Jose-Los Gatos Road); northeasterly along South Bascom Avenue to Foxworthy Avenue.

Easterly along Foxworthy Avenue to Almaden Road; southerly along Almaden Road to Hillsdale Avenue; easterly along Hillsdale Avenue to State Highway 82; northwesterly along State Highway 82 to Tully Road; northeasterly along Tully Road and the prolongation thereof to White Road; northwesterly



along White Road to McKee Road; southwesterly along McKee Road to Capitol Avenue; northwesterly along Capitol Avenue to State Highway 238 (Oakland Road); northerly along State Highway 238 to Warm Springs; northerly along State Highway 238 (Mission Blvd.) via Mission San Jose and Niles to Hayward; northerly along Foothill Blvd. and MacArthur Blvd. to Seminary Avenue; easterly along Seminary Avenue to Mountain Blvd.; northerly along Mountain Blvd. to Warren Blvd. (State Highway 13); northerly along Warren Blvd. to Broadway Terrace; westerly along Broadway Terrace to College Avenue; northerly along College Avenue to Dwight Way; easterly along Dwight Way to the Berkeley-Oakland Boundary Line; northerly along said boundary line to the Campus Boundary of the University of California; westerly, northerly and easterly along the campus boundary to Euclid Avenue; northerly along Euclid Avenue to Marin Avenue; westerly along Marin Avenue to Arlington Avenue; northerly along Arlington Avenue to San Pablo Avenue (State Highway 123); northerly along San Pablo Avenue to and including the City of Richmond to Point Richmond; southerly along an imaginary line from Point Richmond to the San Francisco waterfront at the foot of Market Street; westerly along said waterfront and shoreline to the Pacific Ocean; southerly along the shoreline of the Pacific Ocean to point of beginning.

**NOTE.**—Applicant states that the purpose of this application is to convert a Certificate of Registration in No. MC 135779 (Sub-No. 1) to a Certificate of Public Convenience and Necessity. Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at Oakland, Calif.

No. MC 136212 (Sub-No. 21), filed January 31, 1977. Applicant: JENSEN TRUCKING COMPANY, INC., P.O. Box 349, Gothenburg, Nebr. 69138. Applicant's representative: Frederick J. Coffman, P.O. Box 81849, Lincoln, Nebr. 68501. 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 Section A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities of Farmland Foods, Inc. located at or near Denison, Carroll and Iowa Falls, Iowa, to points in Colorado, Illinois, Indiana, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Wisconsin and Texas, restricted to traffic originating at the named origins and destined to the named destinations.

**NOTE.**—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Omaha or Lincoln, Nebr.

No. MC 136595 (Sub-No. 6), filed January 10, 1977. Applicant: EASTSIDE ENTERPRISES, INC., doing business as

EASTSIDE MOBILE HOME TRANSPORTING, INC., 1440 South "A" Street, Springfield, Ore. 97477. Applicant's representative: Lawrence V. Smart, Jr. 419 NW. 23rd Avenue, Portland, Ore. 97210. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Buildings, modular buildings, and sectionalized buildings*, between points in Idaho, Montana, Oregon and Washington.

**NOTE.**—If a hearing is deemed necessary, the applicant requests that it be held at Seattle, Wash.

No. MC 136786 (Sub-No. 110), filed January 27, 1977. Applicant: ROBCO TRANSPORTATION, INC., 309 5th Avenue Northwest, New Brighton, Minn. 55112. Applicant's representative: Stanley C. Olsen, Jr., 7525 Mitchell Road, Eden Prairie, Minn. 55343. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Foodstuffs, frozen and chilled (except in bulk), from the plantsites of New Orleans Cold Storage located in Metairie and New Orleans, La., to points in Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma and South Dakota, restricted to traffic having a prior movement by water and originating at the plantsite of New Orleans Cold Storage located in Metairie and New Orleans, La.*

**NOTE.**—If a hearing is deemed necessary, the applicant requests that it be held at Minneapolis, Minn.

No. MC 138313 (Sub-No. 23), filed January 31, 1977. Applicant: BUILDERS TRANSPORT, INC., 409 14th Street, SW., Great Falls, Mont. 59404. Applicant's representative: Irene Warr, 430 Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Portland, Ore. and Seattle, Wash., to the plant site of Pacific Hide and Fur Depot, doing business as Pacific Iron and Steel located at Great Falls, Mont., restricted against the transportation of commodities in bulk, commodities which by reason of their size and weight require the use of special equipment, and commodities falling within the category described in *Mercer Extension-Oil Field Commodities*, 74 M.C.C. 495.

**NOTE.**—If a hearing is deemed necessary, the applicant requests that it be held at either Great Falls, Billings, Mont. or Washington, D.C.

No. MC 138479 (Sub-No. 1), filed January 27, 1977. Applicant: C & C CARTAGE, INC., 740 W. Ireland Road, South Bend, Ind. 46114. Applicant's representative: Donald W. Smith, Suite 2465, One Indiana Square, Indianapolis, Ind. 46204. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) *Vinyl skidding, vinyl siding, asphalt siding and steel siding*, from the facilities of Mastic Corporation located at or near Stuarts Draft, Va., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Iowa, Kentucky, Louisiana,

Maine, Maryland, Massachusetts, Minnesota, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, West Virginia, Wisconsin, and the District of Columbia; and (2) *materials and supplies*, used in the manufacture and distribution of the above described commodities, from the destination points named in (1) above, to the facilities of Mastic Corporation, located at or near Stuarts Draft, Va., restricted to a transportation service to be performed under a continuing contract or contracts with Mastic Corporation, located at South Bend, Ind.

**NOTE.**—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 139310 (Sub-No. 4), filed January 24, 1977. Applicant: G. E. BELMORE, doing business as MOTOR TRANSIT COMPANY, 5822 N. Interstate, Portland, Ore. 97217. Applicant's representative: Earle V. White, 2400 S. W. Fourth Avenue, Portland, Ore. 97201. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Plumbing supplies and apparatus, and electrical supplies and apparatus*, between points in Oregon on the one hand, and, on the other, points in Clark and Cowlitz Counties, Wash., under a continuing contract, or contracts, with Portland Electric and Plumbing Company.

**NOTE.**—If a hearing is deemed necessary, the applicant requests it be held at Portland, Ore.

No. MC 139495 (Sub-No. 194), filed January 31, 1977. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1819 H Street, N.W., Suite 1030, Washington, D.C. 20006. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Shelves and shelving*, from Terrell, Tex., to points in the United States (except Alaska and Hawaii).

**NOTE.**—Applicant holds contract carrier authority in No. MC 133106 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 139938 (Sub-No. 4), filed January 28, 1977. Applicant: GLENN R. DUSENBERRY, 1414 Grandview Avenue, Muscatine, Iowa 52761. Applicant's representative: Kenneth F. Dudley, 611 Church Street, P.O. Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat 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 hides and commodities in bulk), from Columbus Junction and Waterloo, Iowa, to points in Missouri.

**NOTE.**—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill., or Des Moines, Iowa.



No. MC 140421 (Sub-No. 16), filed January 31, 1977. Applicant: ACTION MOTOR EXPRESS, INC., P.O. Box 29102, 8307 Almonaster Avenue, New Orleans, La. 70189. Applicant's representative: Sandra H. Roberson (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Non-frozen foodstuffs*, from the plantsite of Woldert Canning Company located at or near Lindale, Tex., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Mississippi, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Virginia, West Virginia; and the return of *materials and supplies* used in the manufacture thereof, under a continuing contract or contracts with Woldert Canning Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either New Orleans, La., or Baton Rouge, La.

No. MC 140643 (Sub-No. 3), filed January 26, 1977. Applicant: ORREN J. LEE, 2312 Braemer Drive, Sioux Falls, S. Dak. 57105. Applicant's representative: Mark Menard, 5301 N. Cliff Ave., P.O. Box 480, Sioux Falls, S. Dak. 57101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products* as described in Section B of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, and *supplies* used in the production and distribution of dairy products, between Sioux Falls, S. Dak., and points in North Dakota, under a continuing contract or contracts with Terrace Park Dairy.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Sioux Falls, S. Dak., or Sioux City, Iowa.

No. MC 140677 (Sub-No. 15), filed January 31, 1977. Applicant: JOHN T. BREWER, JOHN R. BREWER AND LEWIS L. BREWER doing business as BREWER TRUCKING, 1603 East Tal- lent, Rapid City, S. Dak. 57701. Applicant's representative: J. Maurice Andren, 1734 Sheridan Lake Road, Rapid City, S. Dak. 57701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal building components, parts and accessories*, from Ixonia, Wis., and Minneapolis, Minn., to points in Colorado, Illinois, Iowa, Minnesota, Montana, Nebraska, North Dakota, South Dakota and Wyoming.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Milwaukee, Wis.

No. MC 141197 (Sub-No. 13), filed January 31, 1977. Applicant: FLEMING-BABCOCK, INC., 4106 Mattox Road, Riverside, Mo. 64151. Applicant's representative: Tom B. Kretsinger, 910 Brookfield Bldg., 101 West Eleventh, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from points in Craig County, Okla., to Independence, Mo.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo.

No. MC 142484 (Sub-No. 1), filed January 28, 1977. Applicant: STRINGFELLOW TRANSPORTATION COMPANY, INC., 724 Third Avenue North, P.O. Box 1117, Birmingham, Ala. 35201. Applicant's representative: Ronald L. Stichweh, 903 Frank Nelson Bldg., Birmingham, Ala. 35203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Treated and untreated forest products, and lumber mill products*, from points in Alabama, Georgia, Louisiana, Mississippi and Tennessee, to points in Alabama, Florida, Georgia, Illinois, Indiana, Kentucky, Michigan, Mississippi, Ohio and Tennessee; and (2) *treated and untreated forest products, and lumber mill products*, from Detroit, Mich., including the International Boundary line thereat, to points in Alabama, Florida, Georgia, Mississippi and Tennessee, on traffic from the Province of Windsor, Ontario, Canada, or Detroit, Mich.; restricted to transportation services performed under a continuing contract, or contracts, with Stringfellow Lumber Company, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C. or Birmingham, Ala.

No. MC 142610 (Sub-No. 3) filed February 1, 1977. Applicant: ACTION MOTOR EXPRESS, INC., 8307 Almonaster Avenue, New Orleans, La. 70189. Applicant's representative: Sandra H. Roberson, P.O. Box 29102, New Orleans, La. 70189. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Canned goods and preserved foodstuffs*, in class containers, from the plant facilities of B. F. Trappey's Sons, Inc., located at Lafayette and New Iberia, La., to points in Illinois, Indiana, Michigan, New York, Ohio, Pennsylvania and Wisconsin; and (2) *materials and supplies* thereof, on return.

NOTE.—Applicant has contract carrier authority pending in MC 140610 (Sub-Nos. 3, 8, 9, and 12). If a hearing is deemed necessary, the applicant requests it be held at either New Orleans or Baton Rouge, La.

No. MC 142669 (Sub-No. 5), filed January 31, 1977. Applicant: GENE WALTERS AND CLARK WURTELE, a Partnership, doing business as M & M TRUCKING, Buchanan, N. Dak. 58420. Applicant's representative: Charles E. Johnson, 418 East Rosser Avenue, Box 1982, Bismarck, N. Dak. 58501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dry fertilizer and dry fertilizer materials*, from Minneapolis, St. Paul, Savage, and Pine Bend, Minn.; Sioux City, Iowa; East Dubuque, Ill.; and Omaha, Nebr., to points in Idaho, Montana and Wyoming, restricted to the use of hopper bottom trailers to points in Montana; and (2) *dry feed grade urea*, from Minneapolis, St. Paul and Duluth, Minn., to points in Montana, restricted to use of hopper bottom trailers.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Billings, Mont., or Fargo, N. Dak.

No. MC 142748 (Sub-No. 2), filed February 3, 1977. Applicant: GENARO T. CAMACHO, doing business as GENE'S FREIGHT LINE, 3230 W. Mississippi Avenue, Denver, Colo. 80219. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant St. Bldg., Denver, Colo. 80203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Non-alcoholic beverages*, from Denver, Colo., to Amarillo and El Paso, Tex.; Muskogee and Tulsa, Okla.; Albuquerque, N. Mex., and Salt Lake City, Utah; (2) *pallets*, from Amarillo and El Paso, Tex. and Albuquerque, N. Mex., to Muskogee and Tulsa, Okla.; and (3) *glass containers*, from Muskogee and Tulsa, Okla., to Denver, Colo., under a continuing contract, or contracts, with Columbine Beverage Co.

NOTE.—If a hearing is deemed necessary, the applicant requests it to be held at Denver, Colo.

No. MC 142749 (Sub-No. 2), filed January 28, 1977. Applicant: BUDDY L. INC., 804 N. Rogers Rd., Irving, Tex. 75061. Applicant's representative: Leroy Hallman, 4555 First National Bank Building, Dallas, Tex. 75202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lead*, from the plant sites of Dixie Metals Co., located at Dallas, Tex., and Heflin, La., to the plant sites of General Battery Corp., located at Selma, Ala.; City of Industry, Calif.; Opa Locka, Fla.; Frankfort, Ind.; Salina, Kans., and Greer, S. C.; and (2) *lead scrap and junk batteries*, from the plant sites of General Battery Corp., located at Selma, Ala.; City of Industry, Calif.; Opa Locka, Fla.; Frankfort, Ind.; Salina, Kans.; and Greer, S. C., to the plant sites of Dixie Metals Co., located at Dallas, Tex., and Heflin, La.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Dallas, Tex.

No. MC 142820 (Sub-No. 1), filed January 19, 1977. Applicant: ODEX EXPRESS, INC., 169 Avenue F, Bayonne, N.J. 07002. Applicant's representative: Bruce J. Robbins, One Lefrak City Plaza, Flushing, N.Y. 11368. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fat and trimmings* (except in bulk), in mechanically refrigerated vehicles, from Baltimore, Md., Boston, Mass., and points in New York, New Jersey, and the District of Columbia, to Carteret, N.J.; and (2) *shortening* (except in bulk), in mechanically refrigerated vehicles, from Carteret, N.J., to points in Connecticut, Delaware, New York, New Jersey, Maryland, Massachusetts, Rhode Island, and the District of Columbia; Kissimmee, Fla.; Collingswood, Pittsburgh and Saltsburg, Pa.; Roanoke, Va.; Clarksburgh and New Cumberland, W.Va.; and points within that part of the United States bounded generally on the east by the Atlantic



Ocean, on the north by the Maryland-Virginia State line; and on the west, generally by a line beginning at the junction of U.S. Highway 15 and the Maryland-Virginia State line, and extending southerly along U.S. Highway 15 through Virginia and across the Virginia-North Carolina State line to Oxford, N.C., thence southerly along U.S. Highway 85 to the North Carolina-South Carolina State line, thence westerly along the North Carolina-South Carolina and North Carolina-Georgia State line to its junction with U.S. Highway 75, thence southerly along U.S. Highway 75 through Georgia and across the Georgia-Florida State line to the junction of U.S. Highway 75 and U.S. Highway 95 in Florida, thence southerly along U.S. Highway 95 to its junction with U.S. Highway 1, thence southerly along U.S. Highway 1 to the Atlantic Ocean; (1) and (2) above are under a continuing contract, or contracts, with Intercon Co., Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 142828, filed December 13, 1976. Applicant: MELLAN TRANSFER, INC., 1258 Occidental South, Seattle, Wash. 98134. Applicant's representative: George R. LaBissoniere, 1100 Norton Bldg., Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between points in the Seattle, Wash. commercial zone.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Seattle, Wash.

No. MC 142854 (Sub-No. 1), filed January 27, 1977. Applicant: A & S LEASING CO., INC., 105 Howell Street, Jersey City, N.J. 07306. Applicant's representative: Bruce J. Robbins, One Lefrak City Plaza, Flushing, N.Y. 11368. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Synthetic resins; varnishes; and pigments, and materials, equipment and supplies used in the production of such commodities (except in bulk)*, (1) between the facilities of Lawter Chemicals, Incorporated, located at or near South Kearny, N.J., San Leandro, Calif. and Cook County, Ill.; (2) between the facilities of Lawter Chemicals, Incorporated located at or near South Kearny, N.J., on the one hand, and, on the other, points in the commercial zones of New York, N.Y., Baltimore, Md., Philadelphia, Pa., and the District of Columbia, as defined by the Commission; and (3) between the facilities of Lawter Chemicals, Incorporated, located at or near South Kearny, N.J., San Leandro, Calif. and Cook County, Ill., on the one hand, and, on the other, Moundville, Ala.; Atlanta, East Point and Tucker, Ga.; Marshall, Peoria, and the County of Cook, Ill.; Grand Rapids, Midland, and Holland, Mich.; Minneapolis, Minn.; Picayune, Miss.; Cincinnati and Tipp City, Ohio; Hatfield, Pittsburgh, Ridgeway and West Hazleton, Pa.; Arlington, Bay City, S.

Bay City, Houston and Irving, Tex.; (1), (2) and (3) above are under a continuing contract, or contracts, with Lawter Chemicals, Incorporated.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 142864, filed January 21, 1977. Applicant: RAY E. BROWN TRUCKING, INC., P.O. Box 501, Massillon, Ohio 44646. Applicant's representative: Jerry B. Sellman, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal and composite containers and container ends*, from Massillon, Ohio to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Nebraska and Wisconsin.

NOTE.—Applicant holds contract carrier authority in MC 125935 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Columbus, Ohio.

No. MC 142865, filed January 21, 1977. Applicant: BARNER AND SONS, INC., 502 Barner Street, Fordyce, Ark. 71742. Applicant's representative: Ashley Barner, P.O. Box 905, Crossett, Ark. 71635. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips*, from the plantsite of Georgia Pacific Corporation located at or near Stamps, Ark., to the plantsite of International Paper Company located at or near Spring Hill, La., under a continuing contract, or contracts, with Georgia-Pacific Corporation.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either El Dorado or Little Rock, Ark.

No. MC 142876, filed January 27, 1977. Applicant: ALBIN A. ANDERSON, doing business as AL ANDERSON & SONS, 207 14th Avenue East, Ashland, Wis. 54806. Applicant's representative: Wayne W. Wilson, P.O. Box 8004, Madison, Wis. 53708. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, machinery parts, implements, and equipment and parts, accessories and attachments*, for all such items, (a) from points in Ashland County, Wis., to points in the United States (except Alaska and Hawaii); and (b) from points in Ashland County, Wis., to points on the International Boundary line between the United States and Canada, located in Michigan, Minnesota, Montana, New York and North Dakota; and (2) *materials, equipment and supplies, used or useful in the manufacture, production, sale or distribution, of machinery, machinery parts, implements, and equipment and parts, accessories and attachments*, for all such items, from points in the United States (except Alaska and Hawaii), and from points on the International Boundary line between the United States and Canada, located in Michigan, Minnesota, Montana, New York,

and North Dakota, to points in Ashland County, Wis.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Ashland or Madison, Wis.

No. MC 142891, filed January 31, 1977. Applicant: A & H, INC., P.O. Box 346, Footville, Wis. 53537. Applicant's representative: Charles W. Beinbauer, Suite 1573, One World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pickles, pickled tomatoes, sauerkraut and relishes, in mechanically refrigerated vehicles (except commodities in bulk, in tank vehicles)*, from the plantsite of Claussen Pickle Co., a wholly-owned subsidiary of Oscar Mayer & Co., Inc., located at or near Woodstock, Ill., to points in Connecticut, Delaware, Indiana, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to traffic originating at the above named origin and destined to the states named.

NOTE.—Applicant holds contract carrier authority in MC 129809 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or New York, N.Y.

No. MC 142899 (Sub-No. 2), filed January 27, 1977. Applicant: CORRUGATED CARRIERS, INC., 3219 Nebraska Avenue, Council Bluffs, Iowa 51501. Applicant's representative: William S. Rosen, 630 Osborn Building, St. Paul, Minn. 55102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from Omaha, Nebr., to points in Colorado, Iowa, Kansas, Missouri, and South Dakota and points in their respective Commercial Zones.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 142920, filed February 2, 1977. Applicant: OLIVER TRUCKING CORP., 620 South Belmont Avenue, Indianapolis, Ind. 46217. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are printed, manufactured or sold by a printer or converter, and material, supplies and equipment used in the conduct of such business (except in bulk)*, (1) between Indianapolis, Ind., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii); and (2) between Edison, N.J., on the one hand, and, on the other, points in Connecticut, Delaware, Maryland, Massachusetts, New York, Pennsylvania, Rhode Island, Virginia, and the District of Columbia, under a continuing contract, or contracts, with Queens Lithographing Corp.; Rutgers Packaging Corp.; Kaltman Press, Inc.; Communications Illustrated, Inc.; and Rec-O-Sleeve



Packaging Corp. (all affiliated companies).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 142921, filed January 31, 1977. Applicant: CHESAPEAKE SHIPPING, INC., 1961 Benhill Avenue, Baltimore, Md. 42226. Applicant's representative: Robert J. Gallagher, Suite 1200, 1000 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, between Baltimore, Md. and points in Anne Arundel, Baltimore, Calvert, Carroll, Harford, Howard, and Montgomery Counties, Md., restricted to the transportation of shipments having a prior or subsequent movement, in containers, beyond the points authorized, and further restricted to the performance of pickup and delivery service in connection with the packing, crating, and containerization or unpacking, uncrating, and decontainerization of such shipments.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Baltimore, Md.

No. MC 142954 (Sub-No. 1), filed March 1, 1977. Applicant: GLENN BROTHERS MEAT COMPANY, INC., P.O. Box 9343, Little Rock, Ark. 72209. Applicant's representative: Theodore Polydoroff, 1250 Connecticut Avenue NW., Washington, D.C. 20036. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Meats, packinghouses products, and commodities used by packing-houses*, as described in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 272-273, from points in Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas and Wisconsin to New Orleans, La.; New York, N.Y.; Baltimore, Md.; Philadelphia, Pa.; Norfolk, Va.; Charleston, S.C.; Savannah, Ga.; Jacksonville, Miami and Tampa, Fla.; Gulfport, Miss.; Houston, Tex.; Los Angeles, Long Beach, San Francisco and Oakland, Calif.; Portland, Oreg.; Seattle, Wash.; Kenosha and Milwaukee, Wis.; and Boston, Mass., restricted to the transportation of shipments having a subsequent movement by water and further restricted to shipments moving under a continuing contract or contracts with A.J.C. International, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga.

#### PASSENGER APPLICATIONS

No. MC 453 (Sub-No. 25), filed January 21, 1977. Applicant: THE GRAY LINE, INC., 1000 12th Street NW., Washington, D.C. 20005. Applicant's representative: L. C. Major, Jr., 6121 Lincoln Road, Suite 400, Alexandria, Va. 22312. Authority sought to operate as a common carrier, by motor vehicle, over

regular routes, transporting: *Passengers and their baggage*, in special operations, during the official racing seasons, between Silver Spring, Md., and Dover Downs Racetrack, located at or near Dover, Del.: From Silver Spring, Md., over city streets to Washington, D.C., thence over U.S. Highway 50 to junction U.S. Highway 301, thence over U.S. Highway 301 to junction Maryland Highway 300, thence over Maryland Highway 300 to the Maryland-Delaware state line, thence over Delaware Highway 300 to junction Delaware Highway 44, thence over Delaware Highway 44 to junction Delaware Highway 8, thence over Delaware Highway 8 to junction U.S. Highway 13, thence over U.S. Highway 13 to Dover Downs Racetrack, and return over the same route, serving the intermediate point of Washington, D.C.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at Washington, D.C.

No. MC 109495 (Sub-No. 15), filed January 25, 1977. Applicant: BRUNSWICK TRANSPORTATION COMPANY, INC., Elm and Middle Streets, Brunswick, Maine 04011. Applicant's representative: J. G. Dall, Jr., P.O. Box 567, McLean, Va. 22101. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, in special and charter operations, beginning and ending at points in Cumberland, York, Oxford, Androscoggin, Sagadahoc, Kennebec, Lincoln, Washington, Franklin, Somerset, and Knox Counties, Maine, and Coos County, N.H., and extending to points in the United States, including Alaska, but excluding Hawaii.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Augusta, Maine.

No. MC 142389 (Sub-No. 1), filed January 27, 1977. Applicant: LES AUTOBUS RIVE-NORD LIMITEE, 257 Chemin du Roi, Deschambault Portneuf, Province of Quebec, Canada. Applicant's representative: Guy Poliquin, No. 140—580 East Grande-Allee, Quebec, Province of Quebec, Canada. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Passengers and baggage*, in charter and special operations, from ports of entry on the International Boundary line between the United States and Canada located in Maine, Michigan, New Hampshire, New York, and Vermont, to points in the United States (except Alaska and Hawaii), restricted to traffic originating at Quebec, Donnacona, La Perade, St-Tite, Lac-aux-Sables, and Quebec, Canada.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Concord, N.H.

No. MC 142684 (Sub No. 2), filed January 21, 1977. Applicant: B. C. LINES, INC., 10 Lodge Street, Worcester, Mass. 01604. Applicant's representative: David M. Marshall, 135 State Street, Suite 200, Springfield, Mass. 01103. Authority

sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special round trip operations, beginning and ending at points in Worcester and Oxford, Mass. and extending to the sites of Plainfield Greyhound Park, Plainfield, Conn. and Lincoln Downs, Lincoln, R.I.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Boston, Mass., Hartford, Conn., or Providence, R.I.

No. MC 142875, filed January 21, 1977. Applicant: A. L. GOMES, doing business as A. GOMES BUS LINES CO., 30 Prospect Street, Bristol, R.I. 02809. Applicant's representative: Russell B. Curnett, P.O. Box 366, 826 Orleans Road, Harwich, Mass. 02645. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in charter or special operations, in round trips, (A) Beginning and ending at Bristol and Warren, R.I., and extending to points in Connecticut, Maine, Massachusetts, New Hampshire, New York and Vermont, and ports of entry on the International Boundary line between the United States and Canada located at points in Maine, New Hampshire, New York, Vermont and the provinces of New Brunswick, Ontario, and Quebec, Canada, restricted to groups and individuals in groups accompanied by an interpreter, and further restricted to traffic originating at the points mentioned and destined to the Provinces of Canada; and (B) Between Bristol and Warren, R.I., on the one hand, and, on the other, Somerset and Swansea, Mass.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Bristol or Providence, R.I.

#### BROKER APPLICATIONS

No. MC 130437, filed January 24, 1977. Applicant: FOUR STAR TOURS WORLDWIDE LTD., 2027 West Sixth Avenue, Vancouver, British Columbia, Canada V6J 1R8. Applicant's representative: Roger L. LaHue (same address as applicant). Authority sought to engage in operation, in interstate or foreign commerce, as a broker at Vancouver, B.C., Canada, to sell or offer to sell the transportation of passengers, individuals and in groups, and their baggage, by motor, air and rail carriers, in scheduled operations, from ports of entry on the International Boundary line between the United States and Canada located at points in Washington, to points in the United States (except Alaska and Hawaii), and return, restricted to traffic originating at and ending in Vancouver, B.C., Canada.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Seattle, Wash.

No. MC 130438, filed January 19, 1977. Applicant: DELORES P. LARSON, doing business as AMERICAN MOTOR COACH TOURS, 16816 Lake Street, Minnetonka, Minn. 55343. Applicant's representative: Chester A. Zyblut, 1030 Fif-



teenth Street NW., Washington, D.C. 20005. Authority sought to engage in operation, in interstate or foreign commerce, as a broker at Minnetonka, Minn., to sell or offer to sell the transportation of *Passengers and their baggage*, in special and charter operations, by motor, air, water and rail carriers, between points in the United States, including Alaska, but excluding Hawaii.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

#### WATER CARRIER APPLICATION

No. W-1283 (Sub-No. 2), filed January 21, 1977. Applicant: AMERICAN CRUISE LINES, INC., Steamboat Landing, Haddam, Conn. 06438. Applicant's representative: J. Raymond Clark, Suite 1150, 600 New Hampshire Ave. NW., Washington, D.C. 20037. Authority sought to engage in operation, in interstate or foreign commerce as a *common carrier by water* in the transportation of *Passengers and their baggage*, in one-way and round trip excursion cruises, between (1) all ports and points in the United States on the Atlantic and Gulf Coasts, the Great Lakes and the Mississippi River and Tributary waterways (except between Eastport and Boothbay, Maine; Boston, Mass.; Haddam, Conn.; New York, N.Y.; Annapolis and Baltimore, Md.; Norfolk and Hampton, Va.; Charleston, S.C.; Jacksonville, St. Augustine, Daytona Beach, and Ft. Lauderdale, Fla.; and the District of Columbia) including Nantucket Sound, Vineyard Sound, Block Island Sound, Long Island Sound, Hudson River, Delaware River, Chesapeake Bay, Atlantic Intracoastal Waterway, Okeechobee Waterway, Gulf Intracoastal Waterway, and Illinois Waterway, and (2) all ports and points in the United States on the Atlantic and Gulf Coasts, the Great Lakes and the Mississippi River and its tributaries, as described in (1) above, including Eastport and Boothbay, Maine; Boston, Mass.; Haddam, Conn.; New York, N.Y.; Annapolis and Baltimore, Md.; Norfolk and Hampton, Va.; Charleston, S.C.; Jacksonville, St. Augustine, Daytona Beach, and Ft. Lauderdale, Fla.; and the District of Columbia, on the one hand, and, on the other hand, ports and points in Canada on the St. Lawrence Seaway, restricted against service between Bridgeport, Conn. and Port Jefferson and Rye, N.Y.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Hartford, Conn. or New York, N.Y.

No. W-1314 (Sub-No. 1), filed January 31, 1977. Applicant: A. WALLACE LANE and BELVA D. KERBY, 832 Riverview Blvd., Clarkston, Wash. 99403. Applicant's representative: A. Wallace Lane, P.O. Drawer 1185, Lewiston, Idaho 83501. Authority sought to engage in operation, in interstate or foreign commerce as a *common carrier by water* in the transportation of *General commodities*, by self-propelled barges and non-self-propelled barges moving by separate towing vessels, between ports and points

along the Columbia and Snake River System, from Bonneville, Oreg., to Astoria, Wash., on the one hand, and, on the other, ports and points along the Pacific Seaboard of the United States from Imperial Beach, Calif., to Bellingham, Wash. (except points along the Columbia and Willamette River ship channels below Bonneville Dam.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Portland, Oreg., Seattle, Wash., or Boise, Idaho.

#### FINANCE APPLICATIONS—NOTICE

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control through ownership of stock, of rail carriers or motor carriers pursuant to Sections 5(2) or 210a(b) of the Interstate Commerce Act.

An original and two copies of protests against the granting of the requested authority must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice. Such protest shall comply with Special Rules 240(c) or 240(d) of the Commission's *General Rules of Practice* (49 CFR 1100.240) and shall include a concise statement of protestant's interest in the proceeding. A copy of the protest shall be served concurrently upon applicant's representative, or applicant, if no representative is named.

No. MC-F-13127. Authority sought to purchase by GROSS & HECHT TRUCKING, INC., P.O. Box 514, 35 Brunswick Avenue, Edison, NJ 08817, of the operating rights and properties of KEYSTONE TRUCKING CORP., P.O. Box 514, 35 Brunswick Avenue, Edison, NJ 08817, and for acquisition by ARTHUR M. GOLDBERG, P.O. Box 514, Edison, NJ 08817, of control of such rights through the purchase. Applicants' attorney: A. David Millner, P.O. Box 1409, 167 Fairfield Road, Fairfield, N.J. 07006. Operating rights sought to be transferred: *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and, in connection therewith, *equipment, materials, and supplies* used in the conduct of such business, as a *contract carrier* over irregular routes, between points in Nassau, Suffolk, and Westchester Counties, N.Y., New York, N.Y., and points in Warren, Hunterdon, Morris, Somerset, Bergen, Essex, Hudson, Middlesex, Monmouth, Ocean, Passaic, and Union Counties, N.J.; between Cherry Hill and Florence, N.J., on the one hand, and, on the other, points in Nassau, Suffolk, and Westchester Counties, N.Y., New York City, and points in Warren, Hunterdon, Morris, Somerset, Bergen, Essex, Hudson, Middlesex, Monmouth, Ocean, Passaic, and Union Counties, N.J.; (1) *Such merchandise* as is dealt in by wholesale, retail and chain grocery and food business houses, and (2) *equipment, materials, and supplies* used in the conduct of the business described in (1) above; (A) Between points in Bergen, Essex, Hudson, Hunterdon, Middlesex, Monmouth, Morris, Ocean, Passaic, Somerset, Sussex,

Union, and Warren Counties, N.J., Bronx, Kings, Nassau, New York, Orange, Queens, Richmond, Rockland, Suffolk, Sullivan, Ulster, and Westchester Counties, N.Y.; (B) Between points in the territory described in (A) above, and on the one hand, and, on the other, Florence, N.J., and Philadelphia, Dunmore, and Scranton, Pa.; (C) Between points in (A) above, and Florence, N.J., on the one hand, and, on the other, Albany, N.Y. Vendee is authorized to operate as a contract carrier in Connecticut, Delaware, District of Columbia, Maryland, New Jersey, New York, Pennsylvania, Virginia, and West Virginia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-13130. Authority sought for purchase by ALLEGHANY CORPORATION DBA JONES MOTOR, Bridge Street & Schuylkill Road, Spring City, PA., 19475, of the operating rights of BUSH VAN LINES, INC., 610 Akron Savings & Loan Bldg., Akron, OH., 44308, and for acquisition by F. M. KIRBY and ALLAN P. KIRBY, JR., both of 17 DeHart Street, Morristown, N.J., 07960, of control of such rights through the purchase. Applicants' attorneys: A. Charles Tell, 100 East Broad Street, Columbus, OH., 43215, and Robert M. Hart, 30 Rockefeller Plaza, New York, N.Y., 10020. Operating rights sought to be transferred: *General commodities*, with exceptions as a *common carrier* over irregular routes, between Akron, Ohio, on the one hand, and, on the other, points in Ohio; between points in Summit County, Ohio, on the one hand, and, on the other, points in Ohio, with restrictions. Vendee is authorized to operate as a common carrier in Connecticut, Delaware, the District of Columbia, Illinois, Indiana, Iowa, Maine, Maryland, Massachusetts, Michigan, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and West Virginia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-13141. Authority sought for purchase by BEKINS VAN LINES CO., a non-carrier, 333 S. Center Street, Hillside, IL., 60162, of the operating rights of SUREFINE TRANSPORTATION COMPANY, 2050 East 38th Street, Los Angeles, CA., 90056, and for acquisition by THE BEKINS COMPANY, 1335 S. Figueroa St., Los Angeles, CA., 90015, of control of such rights through the purchase. Applicants' attorneys: Russell S. Bernhard, 1625 K St., N.W., Washington, D.C., 20006, and Marvin S. Maltzman & Norman S. Marshall, 777 Flower Street, Glendale, CA., 91201. Operating rights sought to be transferred: Store and office fixtures and kitchen equipment, as described in Appendices III and IV to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209, and chairs, uncrated when transported for installation in conjunction with a shipment of the foregoing commodities, as a common carrier over irregular routes, from points in Los Angeles and Orange



Counties, Calif., to points in Arizona and Nevada; and traded in and returned store and office fixtures, kitchen equipment, and chairs, uncrated, from points in Arizona and Nevada, to points in Los Angeles and Orange Counties, Calif., new uncrated furniture, from points in Los Angeles and Orange Counties, Calif., to points in Clark County, Nev., with no transportation for compensation on return, except as otherwise authorized; (1) New furniture, uncrated, as described in appendix II to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209, and new furnishings and new household appliances, uncrated, and accessories and parts, incidental to, and which are shipped in the same vehicle and at the same time with the commodities described immediately above, from points in California, to points in Arizona, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Texas, Utah, Washington, and Wyoming; and from points in Arizona, to points in California, Nevada, New Mexico, Oregon, Texas, and Washington; and from points in Nevada, to points in Arizona and California; and

(2) Returned shipments of the commodities described in (1) above, from the above-named destination points in (1) to their respective above-named origin points, new store and office fixtures, uncrated, as described in appendix III to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209, and accessories and parts incidental to, and which are shipped in the same vehicle and at the same time with the commodities described in (3) immediately above, from points in California, to points in Colorado, Idaho, Montana, New Mexico, Oregon, Texas, Utah, Washington, and Wyoming, from points in Arizona, to points in California, Nevada, New Mexico, and Utah; and (4) returned shipments of the commodities described in (3) above, from the destination points immediately above in (3) to their respective above-named origin points, (5) new kitchen equipment, uncrated, as described in appendix IV to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209, from San Diego, Calif., and points in Los Angeles and Orange Counties, Calif., to points in Colorado, Idaho, Montana, New Mexico, Oregon, Texas, Utah, Washington, and Wyoming; and returned shipments of the commodities described in (5) above, from the destination points immediately above, to the immediately above origin points; household furnishings, uncrated, household appliances, uncrated, store, office, hospital, kitchen and hotel equipment and fixtures, uncrated, and new furniture, from points in Idaho, Montana, Oregon, and Washington, to points in Arizona, California, and Nevada; and between points in Idaho, on the one hand, and, on the other, points in Montana, Oregon, and Washington, between points in Montana, on the one hand, and, on the other, points in Oregon and Washington, between points in Oregon, on the one hand, and, on the other, points in Washington, returned shipments of the above-described com-

modities, from the above-described respective origin points.

(1) New furniture, (2) institutional and kitchen fixtures and equipment, all uncrated (3) commercial fixtures and equipment, all uncrated, when moving in mixed loads and on the same bill of lading with items (1) and (2) above, and (4) pianos and piano benches, between points in Utah, on the one hand, and, on the other, points in California, Colorado, Idaho, Nevada, Oregon, Washington, Wyoming, Arizona, New Mexico, Texas, and Montana; (1) new furniture and (2) new commercial and institutional fixtures, uncrated, from points in New Mexico to points in Washington, Oregon, California, Idaho, Nevada, Arizona, Montana, Colorado, Wyoming, Texas, Oklahoma, Arkansas, Utah, and Kansas, with no transportation for compensation on return except as otherwise authorized; new furniture, uncrated, and new store and office fixtures, uncrated, from points in Washington and Oregon to points in Colorado and Wyoming, with no transportation for compensation on return except as otherwise authorized. BEKINS VAN LINES CO., holds no authority from this Commission. However all of the outstanding and issued shares of common and preferred stock of BEKINS VAN LINES CO., is owned by THE BEKINS COMPANY. The BEKINS COMPANY is a noncarrier, however, it controls several Interstate Commerce Commission carriers, who have nationwide household goods authority. Application has been filed for temporary authority under section 210a (b).

No. MC-F-13142. Authority sought for purchase by AICRAG AIR FREIGHT, INC., 6136 NE 87th Avenue, Portland, Or., 97220, of the operating rights of RAYMOND EUGENE LAHMANN and GENEVIEVE LAHMANN DBA JET AIR FREIGHT SERVICE, P.O. Box 7336, Salem, OR., 97303, and for acquisition by MANUEL G. GARCIA, LELAND JOHNSON and CLIFFORD M. BUTTERWORTH, 6136 NE 87th Avenue, Portland, OR., 97220, of control of such rights through the purchase. Applicants' attorney: David C. White, 2400 SW Fourth Ave., Portland, OR., 97201. Operating rights sought to be transferred: General commodities, with exceptions, as a common carrier over irregular routes, between Portland, OR, on the one hand, and, on the other, points in Yamhill, Polk, Benton, Linn, Marion and Clackamas Counties, OR, restricted to the transportation of shipments having an immediately prior or subsequent movement by air. Vendee holds no authority from this Commission. However it is controlled by MANUEL GARCIA, LELAND O. JOHNSON, and CLIFFORD M. BUTTERWORTH, who also control AICRAG AIR FREIGHT CORP., which is authorized to operate as a common carrier in Oregon and Washington. Application has been filed for temporary authority under section 210a(b).

No. MC-F-13143. Authority sought for purchase by HILL'S TRUCK LINE, INC.,

DBA HILL'S TRUCK LINE, P.O. Box 96, Adrian, Missouri, 64720, Adrian, MO., 64720, of the operating rights and property of RONALD DALE SMITH, DBA APPLETON CITY TRUCK LINE, Appleton City, MO., 64724, and for acquisition by GALYORD HILL and MARGARET HILL, both of Adrian, MO., 64720, of control of such rights through the purchase. Applicants' attorney: Elvin S. Douglas, Jr., Law Bldg., Box 280, Harrisonville, MO., 64701. Operating rights sought to be transferred: *General commodities*, with exceptions as a *common carrier* over regular routes, between Montrose, MO., and Kansas City, Kans., serving the intermediate and off-route points of Butler, Kansas City and Appleton City, MO., and those within 12 miles of Appleton City, MO., serving the generating plant of Kansas City power and light company, and the facilities of Pittsburgh and Midway Coal Mining Co., in Linn County Kans., as off-route points in connection with carriers authorized regular route operations from and to Kansas City, MO., from La Cygne, Kans., to Kansas City, MO., serving the off-route point of North Kansas City, MO., for delivery only of the above specified commodities except livestock, from Kansas City, MO., to La Cygne, Kans., serving the intermediate point of Kansas City, Kans., restricted to pick-up only; the intermediate and off-route points within 10 miles of La Cygne, Kans., restricted to delivery only; and the off-route point of North Kansas City, MO., for pick-up only of the above describe commodities (except livestock) destined to La Cygne, between Kansas City, MO., and La Cygne, Kans. Household goods as defined by the Commission as a common carrier over irregular routes between Appleton City, MO., and points within 12 miles thereof, on the one hand, and on the other, points in Kansas and Iowa; *household goods* as defined by the Commission, and *emigrant moveables*, between La Cygne, Kans., and points in Kansas and Missouri within 15 miles of La Cygne on the one hand, and on the other, points in Missouri. Vendee is authorized to operate as a *common carrier* in Kansas and Missouri. Application has been filed for temporary authority under section 210a(b).

No. MC-F-13144. Authority sought for control and merger by YELLOW FREIGHT SYSTEM, INC., P.O. Box 7270, Shawnee Mission, KS., 66207, of BRASWELL MOTOR FREIGHT LINES, INC., DEBTOR-JOHN SPICKERMAN, Operating Receiver, 1900 Anson Road, Dallas, TX., 75235, and for acquisition by GEORGE E. POWELL, JR., 1040 W. 57th St., Kansas City, MO., 64113, of control of BRASWELL MOTOR FREIGHT LINES, INC., through the acquisition by GEORGE E. POWELL, JR. Applicant's attorneys: Jack Goodman, 39 La Salle St., Chicago, IL., Stephen P. Murphy, P.O. Box 7270, Shawnee Mission, KS., and Jack E. Brady, 2075 First Natl. Bank Bldg., Dallas, TX., 75202. Operating rights sought to be controlled and merged: *General commodities*, with certain specified exceptions, and numerous other specified commodities, as a *com-*



mon carrier, over regular and irregular routes, from, to, and between specified points in the States of Texas, California, Arizona, New Mexico, Louisiana, Mississippi, Tennessee, Oklahoma, Georgia, Alabama, Missouri, Illinois, Indiana, and Iowa, with certain restrictions, serving various intermediate and off-route points, over alternate routes for operating convenience only, as more specifically described in Docket No. MC 111383 and Sub numbers thereunder. This notice does not purport to be a complete description of all of the operating rights of the carrier involved. The foregoing summary is believed to be sufficient for purpose of public notice regarding the nature and extent of this carrier's operating rights, without stating, in full, the entirety, thereof. **YELLOW FREIGHT SYSTEM INC.**, is authorized to operate as a common carrier in Michigan, Ohio, Iowa, Minnesota, Tennessee, Colorado, Nebraska, Illinois, Kansas, Oklahoma, Missouri, Texas, Indiana, Kentucky, Arizona, California, New Mexico, South Carolina, Wyoming, Wisconsin, Pennsylvania, Maryland, Virginia, Alabama, New Jersey, Arkansas, Delaware, Massachusetts and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-13145. Authority sought for purchase by **POZZI BOTHERS TRANSPORTATION, INC.**, 21441 76th South, P.O. Box 776, Kent, Washington, 98031, of the operating rights and properties of **INTERBURBAN AUTO FREIGHT COMPANY, INC.**, 523 Puyallup Ave., Tacoma, Washington, 98421, of control of such rights through the purchase. Applicants' attorney: Carl A. Jonson, 300 Central Bldg., Seattle, WA., 98104. Operating rights sought to be transferred: *General Commodities*, except those of unusual value, and except household goods, commodities in bulk, commodities requiring special equipment, and those in injurious or contaminating to other lading as a common carrier over regular routes between Tacoma, Washington and Eatonville, Washington and intermediate and off-route points; *General commodities*, except those of unusual value, Class A and B explosives, household goods, commodities in bulk, and those requiring special equipment, as a common carrier over regular and irregular routes between Tacoma, Washington and Long Branch, Washington, with service to and from all intermediate points West and South of Wauna, between Tacoma, Washington and Haristine, Washington, with service to and from all intermediate points on the regular Route West and South of Wauna and the off-route points of Grapeview and Stadium, Washington, with restrictions; *General commodities*, as a common carrier over irregular routes between Tacoma, Washington on the one hand, and, on the other, points on Vashon and Maury Islands, Washington. Vendee is authorized to operate as a common carrier in Washington. Application has been filed for temporary authority under section 210a(b).

**OPERATING RIGHTS APPLICATION(S) DIRECTLY RELATED TO FINANCE PROCEEDINGS**

**NOTICE**

The following operating rights application(s) are filed in connection with pending finance applications under Section 5(2) of the Interstate Commerce Act, or seek tacking and/or gateway elimination in connection with transfer applications under Section 212(b) of the Interstate Commerce Act.

An original and two copies of protests to the granting of the authorities must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice. Such protests shall comply with Special Rule 247(d) of the Commission's General Rules of Practice (49 CFR 1100.247) and include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon applicant's representative, or applicant if no representative is named.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 30139 (Sub-No. 12), filed February 8, 1977. Applicant: **HOLMES TRANSPORTATION, INC.**, 260 Cochituate Road, Framingham, Mass. 01701. Applicant's representative: Kenneth B. Williams, 84 State Street, Boston, Mass. 02109. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Sussex, Passaic, Bergen, Essex, Union, Morris, Somerset, Hunterdon, Warren and Hudson Counties, N.J., and those in Pennsylvania on and north of U.S. Highway 202 between Doylestown and the Pennsylvania-New Jersey State line, and on and east of Pennsylvania Highway 309 (formerly U.S. Highway 309) between Doylestown and Tunkhannock, and on and north of U.S. Highway 6 (formerly U.S. Highway 309) between Tunkhannock and the Wyoming-Bradford County line, and east of a line from the Wyoming-Bradford County line at its intersection with U.S. Highway 6, thence along the Wyoming-Bradford County line to the Bradford-Susquehanna County line, and thence along the Bradford-Susquehanna County line to the New York-Pennsylvania State line, on the one hand, and, on the other, points in Connecticut, Rhode Island and Massachusetts, points in New Hampshire in Rockingham and Stratford Counties and those in Hollisboro County east of New Hampshire Highway 13, and those in Maine on and south of a line beginning at the New Hampshire-Maine State line and extending along Maine Highway 16 to Milo, Maine, thence along unnumbered highway (formerly Maine Highway 16) through Enfield, Maine, to

Lincoln, Maine, and thence along Maine Highway 6 (formerly portion of Maine Highway 16) to the International Boundary Line between the United States and Canada located at or near Vanceboro, Maine; and

(2) *General commodities* (except Class A and B explosives, commodities in bulk, uncrated new furniture, household goods as defined by the Commission, and those requiring special equipment), between points in Nassau and Suffolk Counties, N.Y., on the one hand, and, on the other points in Massachusetts, Rhode Island and Connecticut, and those in Maine and New Hampshire as described in (1) above.

**NOTE.**—The purpose of this application is to request tacking and concurrently eliminate the gateways at New York, N.Y. and Newark, N.J. and points in New Jersey within 20 miles of New York, N.Y. This matter is directly related to a Section 5(2) finance proceeding in No. MC-13120, published in the FEDERAL REGISTER issue of February 24, 1977. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 98327 (Sub-No. 22), filed January 31, 1977. Applicant: **SYSTEM 99**, 8201 Edgewater Drive, Oakland, Calif. 94621. Applicant's representative: Michael J. Stecher, 256 Montgomery Street, San Francisco, Calif. 94101. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, commodities in bulk, household goods as defined by the Commission and commodities requiring special equipment), (1) Between Burns, Ore. and Boise, Idaho, serving all intermediate points: From Burns over U.S. Highway 20 to its junction with unnumbered highway at Vale, Ore., thence over unnumbered highway to its junction with unnumbered highway west of Owyhee, Ore., thence over unnumbered highway to its junction with Oregon Highway 201 at Owyhee, Ore., thence over Oregon Highway 201 to its junction with U.S. Highway 20 (also portion U.S. Highway 26) at Nyssa, Ore., thence over U.S. Highway 20 (also portion U.S. Highway 26) to its junction with U.S. Highway 30, thence over U.S. Highway 30 to Boise, and return over the same route; and (2) Between the junction of U.S. Highway 30 and U.S. Highway 20 (also portion U.S. Highway 26) near Caldwell, Idaho and Payette, Idaho, serving all intermediate points: From the junction of U.S. Highway 30 and U.S. Highway 20 (also portion U.S. Highway 26) over U.S. Highway 30 to its junction with U.S. Highway 30N, thence over U.S. Highway 30N to Payette, and return over the same route.

**NOTE.**—The purpose of this application is to convert existing irregular route authority to regular route authority. This matter is directly related to a Section 5(2) finance proceeding in No. MC-F-12991, published in the FEDERAL REGISTER issue of October 21, 1976. Common control may be involved. Applicant requests this matter be held on a consolidated record with the related application, which has been set for oral hearing.



No. MC 134134 (Sub-No. 22), filed December 27, 1976. Applicant: MAINLINER MOTOR EXPRESS, INC., 2002 Madison Street, Omaha, Nebr. 68107. Applicant's representative: Bruce A. Bullock, 530 Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, 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 commodities requiring special equipment and hides), from Omaha, Nebr., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island and West Virginia.

**NOTE.**—The purpose of this application is to eliminate the gateway of Harlan, Iowa. This matter is directly related to a Section 5(2) finance proceeding in No. MC-F-12688, published in the FEDERAL REGISTER issue of December 10, 1975, pending reconsideration. If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr.

#### ABANDONMENT APPLICATIONS—NOTICE OF FINDINGS

Notice is hereby given pursuant to Section 1a(6)(a) of the Interstate Commerce Act that orders have been entered in the following abandonment applications which are administratively final and which found that subject to conditions the present and future public convenience and necessity permit abandonment.

A Certificate of Abandonment will be issued to the applicant carriers 30 days after this FEDERAL REGISTER publication unless the instructions set forth in the notices are followed.

[Docket No. AB-1 (Sub-No. 45)]

CHICAGO AND NORTH WESTERN TRANSPORTATION COMPANY ABANDONMENT BETWEEN MINERVA JUNCTION AND ROLAND, IN STORY AND MARSHALL COUNTIES, IOWA

#### NOTICE OF FINDINGS

Notice is hereby given pursuant to Section 1a(6)(a) of the Interstate Commerce Act (49 U.S.C. 1a(6)(a)) that by an order entered on January 5, 1977, a finding, which is administratively final, was made by the Commission, Division 3, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in Chicago, B. & Q. R. Co., Abandonment, 257 I.C.C. 700, the present and future public convenience and necessity permit the abandonment by the Chicago and North Western Transportation Company of that portion of its branch line of railroad extending from Zearing, Iowa, westerly, to the end of the line at milepost 269.6 at Roland, Iowa, a distance of about 11 miles, in Story County, Iowa, except any of such line at Zearing which serves shippers or consignees at that station. A certificate of abandonment will be issued to the Chicago and North Western Transportation Company based on the above-described finding of abandonment,

30 days after publication of this notice, unless within 30 days from the date of publication, the Commission further finds that:

(1) A financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) It is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the FEDERAL REGISTER on March 31, 1976, at 41 FR 13691. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced order.

[Docket No. AB-12 (Sub-No. 26)]

SOUTHERN PACIFIC TRANSPORTATION COMPANY ABANDONMENT BETWEEN VILLA PARK AND TUSTIN IN ORANGE COUNTY, CALIFORNIA

#### NOTICE OF FINDINGS

Notice is hereby given pursuant to section 1a(6)(a) of the Interstate Commerce Act (49 U.S.C. 1a(6)(a)) that by an order entered on January 31, 1977, a finding, which is administratively final, was made by the Commission, Commissioner Brown, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in Chicago, B. & Q. R. Co., Abandonment, 257 I.C.C. 700, and for public use as set forth in said order, the present and future public convenience and necessity permit the abandonment by the Southern Pacific Transportation Company of its line of railroad extending from railroad milepost 516.655 near Villa Park in a southerly direction to the end of the branch at railroad milepost 522.408 near Tustin, a distance of 5.753 miles in Orange County, California. A certificate

of abandonment will be issued to the Southern Pacific Transportation Company based on the above-described finding of abandonment, 30 days after publication of this notice, unless within 30 days from the date of publication, the Commission further finds that:

(1) A financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) It is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the FEDERAL REGISTER on March 31, 1976, at 41 FR 13691. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced order.

[Docket No. AB-26 (Sub-No. 7)]

SOUTHERN RAILWAY COMPANY ABANDONMENT BETWEEN LOCKHART JUNCTION AND LOCKHART, IN UNION COUNTY, SOUTH CAROLINA

#### NOTICE OF FINDINGS

Notice is hereby given pursuant to Section 1a(6)(a) of the Interstate Commerce Act (49 U.S.C. 1a(6)(a)) that by an order entered on January 10, 1977, a finding, which is administratively final, was made by the Commission, Review Board Number 5, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in Chicago, B. & Q. R. Co., Abandonment, 257 I.C.C. 700, the present and future public convenience and necessity permit the abandonment by the Southern Railway Company of a line of railroad from milepost LB 0 at Lockhart Junction to the end of the line at Lockhart, a distance of 13.64 miles, in Union County, South Carolina. A certificate of



abandonment will be issued to the Southern Railway Company based on the above-described finding of abandonment, 30 days after publication of this notice, unless within 30 days from the date of publication, the Commission further finds that:

(1) A financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) It is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the available cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the FEDERAL REGISTER on March 31, 1976, at 41 FR 13691. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced order.

[Docket No. AB-46 (Sub-No. 11)]

CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD COMPANY ABANDONMENT BETWEEN ALEXANDRIA AND EUNICE, LOUISIANA

NOTICE OF FINDINGS

Notice is hereby given pursuant to Section 1a(6)(a) of the Interstate Commerce Act (49 U.S.C. 1a(6)(a)) that by an order entered on January 17, 1977, a finding, which is administratively final, was made by the Administrative Law Judge, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in Chicago, B. & Q. R. Co., Abandonment, 257 I.C.C. 700, the present and future public convenience and necessity permit the abandonment by the Chicago, Rock Island and Pacific Railroad Company of (1) its line of railroad between Lamourie and Eunice, Louisiana, and (2) its operations over 2.1 miles of the line of Southern Pacific Railroad in Eunice, Louisiana, and over 11 miles of Missouri Pacific

Railroad and Texas and Pacific Railway between Alexandria and Lamourie, Louisiana. A certificate of abandonment will be issued to the Chicago, Rock Island and Pacific Railroad Company based on the above-described finding of abandonment, 30 days after publication of this notice, unless within 30 days from the date of publication, the Commission further finds that:

(1) a financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) it is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the FEDERAL REGISTER on March 31, 1976, at 41 FR 13691. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced order.

[Docket No. AB-52 (Sub-No. 4)]

THE ATCHISON, TOPEKA & SANTA FE RAILWAY COMPANY—ABANDONMENT BETWEEN RICHMOND AND B. C. JUNCTION, MISSOURI

NOTICE OF FINDINGS

Notice is hereby given pursuant to Section 1a(6)(a) of the Interstate Commerce Act (49 U.S.C. 1a(6)(a)) that by an order entered on December 29, 1976, a finding, which is administratively final, was made by the Commission, Review Board Number 5, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in Chicago, B. & Q. R. Co., Abandonment, 257 I.C.C. 700, the present and future public convenience and necessity permit the abandonment by The

Atchison, Topeka & Santa Fe Railway Company of a portion of its branch line of railroad from railroad milepost 5+3168 at Richmond, Missouri, to railroad milepost 65+1341 at B. C. Junction, Missouri, a total distance of approximately 59.65 miles in Buchanan, Clay, Clinton and Ray Counties, Missouri. A certificate of abandonment will be issued to The Atchison, Topeka & Santa Fe Railway Company based on the above-described finding of abandonment, 30 days after publication of this notice, unless within 30 days from the date of publication, the Commission further finds that:

(1) a financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) it is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the FEDERAL REGISTER on March 31, 1976, at 41 FR 13691. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced order.

MOTOR CARRIER ALTERNATE ROUTE DEVIATIONS

NOTICE

The following letter-notices to operate over deviation routes for operating convenience only have been filed with the Commission under the Deviation Rules—Motor Carrier of Property (49 CFR 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Commission in the manner and form provided in such rules at any time, but will not operate to stay commencement of the proposed opera-



tions unless filed within 30 days from the date of this FEDERAL REGISTER notice.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its request.

#### MOTOR CARRIERS OF PROPERTY

No. MC-923 (Deviation No. 1), OWENSBORO EXPRESS, INC., 2021 Mill Ave., Owensboro, Ky., filed February 24, 1977. Carrier's representative: George M. Catlett, Suite 708, McClure Bldg., Frankfort, Ky. 40601. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Louisville, Ky., over Interstate Highway 64 to junction U.S. Highway 231, thence over U.S. Highway 231 to Owensboro, Ky., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Louisville, Ky., over U.S. Highway 31-W to junction U.S. Highway 60, thence over U.S. Highway 60 to Owensboro, Ky., and return over the same route.

#### MOTOR CARRIER ALTERNATE ROUTE DEVIATIONS

##### NOTICE

The following letter-notices to operate over deviation routes for operating convenience only have been filed with the Commission under the Deviation Rules—Motor Carrier of Passengers (49 CFR 1042.2(c)(9)).

Protests against the use of any proposed deviation route herein described may be filed with the Commission in the manner and form provided in such rules at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of this FEDERAL REGISTER notice.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its request.

#### MOTOR CARRIERS OF PASSENGERS

No. MC-1515 (Deviation No. 719), GREYHOUND LINES, INC., Greyhound Tower, Phoenix, Ariz. 85077, filed March 4, 1977. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express and newspapers* in the same vehicle with passengers, over a deviation route as follows: From junction U.S. Highway 21 and South Carolina Highway 64 west of Walterboro, S.C., over U.S. Highway 21 to junction Interstate Highway 95, thence over Interstate Highway 95 to junction U.S. Highway 17 south of Pocatalligo, S.C., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: From junction South Carolina Highway 64 and U.S. Highway 21 west of Walterboro, S.C., over South Carolina Highway 64 to Walterboro, S.C., thence over Alternate U.S.

Highway 17 to junction U.S. Highway 17 at Pocatalligo, S.C., thence over U.S. Highway 17 to junction Interstate Highway 95 south of Pocatalligo, S.C., and return over the same route.

#### MOTOR CARRIER INTRASTATE APPLICATION(S)

##### NOTICE

The following application(s) for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to Section 206(a)(6) of the Interstate Commerce Act. These applications are governed by Special Rule 245 of the Commission's General Rules of Practice (49 CFR 1100.245), which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

California Docket No. A 57054, filed February 4, 1977. Applicant: BCT TRANSPORTATION CO., INC., 299 Lawrence Avenue, South San Francisco, Calif. 94080. Applicant's representative: Michael C. Leiden, 1182 Market Street, Suite 207, San Francisco, Calif. 94102. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: *General commodities*, to, from and between all points and places located in the San Francisco territory described in Appendix I hereto and points and places located within ten miles of the boundaries of said territory (except that the applicant shall not transport any shipments of the following: Traller coaches and campers, including integral parts and contents when the contents are within the traller coach or camper). Appendix I San Francisco Territory: San Francisco Territory includes all the City of San Jose and that area embraced by the following boundary: Beginning at the point the San Francisco-San Mateo County Line meets the Pacific Ocean; thence easterly along said County Line to a point one mile west of State Highway 82; southerly along an imaginary line one mile west of and paralleling State Highway 82 to its intersection with Southern Pacific Company right-of-way at Arastradero Road; southeasterly along the Southern Pacific Company right-of-way to Pollard Road, including industries served by the Southern Pacific Company spur line extending approximately two miles southwest from Simla to Permanente; easterly along Pollard Road to W. Parr Avenue; easterly along W. Parr Avenue to Capri Drive; southerly along Capri Drive to Division Street; easterly along Division Street to the Southern Pacific Company right-of-way; southerly along the Southern Pacific right-of-way to the Campbell-Los Gatos City Limits; easterly along said limits and

the prolongation thereof to South Bascom Avenue (formerly San Jose-Los Gatos Road);

Northeasterly along South Bascom Avenue to Foxworthy Avenue; easterly along Foxworthy Avenue to Almaden Road; southerly along Almaden Road to Hillsdale Avenue; easterly along Hillsdale Avenue to State Highway 82; northwesterly along State Highway 82 to Tully Road; northeasterly along Tully Road and the prolongation thereof to White Road; northwesterly along White Road to McKee Road; southwesterly along McKee Road to Capitol Avenue; northwesterly along Capitol Avenue to State Highway 238 (Oakland Road); northerly along State Highway 238 to Warm Springs; northerly along State Highway 238 (Mission Blvd.) via Mission San Jose and Niles to Hayward; northerly along Foothill Blvd. and MacArthur Blvd. to Seminary Avenue; easterly along Seminary Avenue to Mountain Blvd.; northerly along Mountain Blvd. to Warren Blvd. (State Highway 13); northerly along Warren Blvd. to Broadway Terrace; westerly along Broadway Terrace to College Avenue; northerly along College Avenue to Dwight Way; easterly along Dwight Way to the Berkeley-Oakland Boundary Line; northerly along said boundary line to the Campus Boundary of the University of California; westerly, northerly and easterly along the campus boundary to Euclid Avenue; northerly along Euclid Avenue to Marin Avenue; westerly along Marin Avenue to Arlington Avenue; northerly along Arlington Avenue to San Pablo Avenue (State Highway 1233); northerly along San Pablo Avenue to and including the City of Richmond to Point Richmond; southerly along an imaginary line from Point Richmond to the San Francisco waterfront at the foot of Market Street; westerly along said waterfront and shoreline to the Pacific Ocean; southerly along the shoreline of the Pacific Ocean to point of beginning. Intrastate, interstate and foreign commerce authority sought. HEARING: Date, time and place not yet fixed. Requests for procedural information should be addressed to the Public Utilities Commission, State of California, State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, Calif. 94102 and should not be directed to the Interstate Commerce Commission.

Oklahoma Docket No. MC 23745 (Sub-No. 2), filed February 18, 1977. Applicant: TRIANGLE EXPRESS, INC., 1015 S.W. 2nd, Oklahoma City, Okla. 73125. Applicant's representative: Charles D. Dudley, 3535 N.W. 58th Street, Suite 280, Oklahoma City, Okla. 73112. Certificate of Public Convenience and Necessity sought to operate as a *common carrier*, by motor vehicle, as an extension to applicant's present authority, transporting: *General commodities*, over the following routes: (1) Between Guthrie, and Perry, Okla. serving all intermediate points: From Guthrie, Okla. over Interstate Highway 35, and U.S. Highway 77



to Perry, Okla. and return over the same routes. (2) Between Perry, Okla. and junction of U.S. Highway 64 and State Highway 99, serving all intermediate points, and the off-route point of Mafamec, Okla.: From Perry, Okla. over U.S. Highway 64 to junction with State Highway 99, and return over the same route. (3) Between junction of U.S. Highway 64 and State Highway 99 and Drumright, Okla. serving all intermediate points: From junction of U.S. Highway 64 and State Highway 99 over State Highway 99 to Drumright, Okla. and return over the same route. (4) Between Drumright, and Guthrie, Okla. serving all intermediate points and the off-route point of Ripley, Okla.: From Drumright, Okla. over State Highway 33 to Guthrie, Okla. and return over the same route. (5) Between junction of Interstate Highway 40 and U.S. Highway 177 and

junction of U.S. Highway 177 and U.S. Highway 64, serving all intermediate points, and the off-route points of Carney and Tryon, Okla.: From junction of U.S. Highway 177 and Interstate Highway 40 over U.S. Highway 177 to junction with U.S. Highway 64, and return over the same route.

(6) Between junction of Interstate Highway 35 and State Highway 51 and junction of State Highway 51 and State Highway 99, serving all intermediate points and the off-route point of Glencoe, Okla.: From junction of Interstate Highway 35 and State Highway 51 over State Highway 51 to its junction with State Highway 99, and return over the same route; and (7) Between Aydelotte, Okla. and junction of State Highway 18 and U.S. Highway 64, serving all intermediate points: From Aydelotte, Okla.

over State Highway 18 to its junction with U.S. Highway 64, and return over the same route.

*NOTE.*—Applicant seeks to engage in transportation in interstate commerce to the full extent of the intrastate authority requested. Foreign commerce authority also sought.

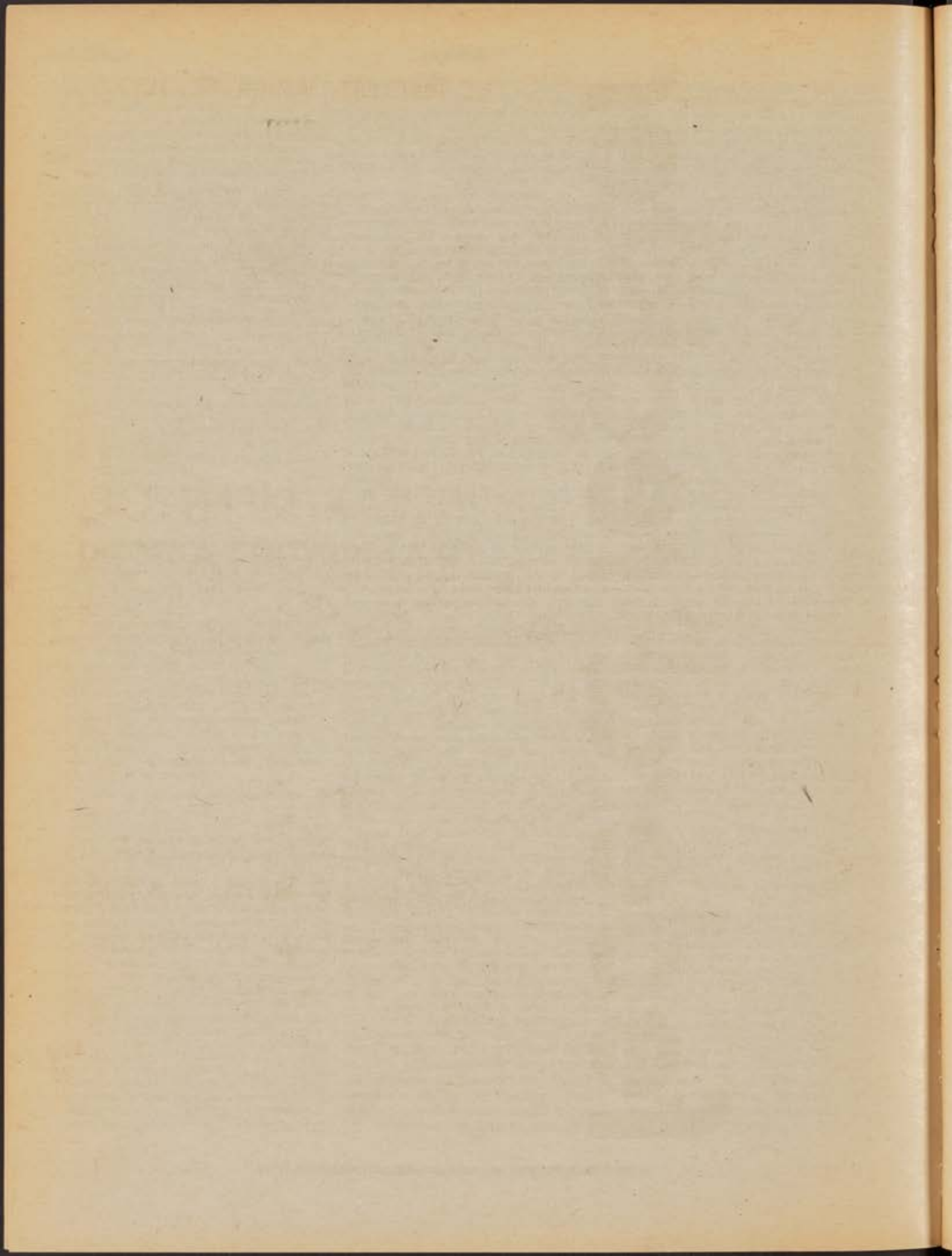
*HEARING:* Date, time and place scheduled for April 18, 1977, 9 a.m., 2nd Floor, Jim Thorpe Building, Oklahoma City, Okla. Requests for procedural information should be addressed to the Oklahoma Corporation Commission, Jim Thorpe Office Building, Oklahoma City, Okla. 73105 and should not be directed to the Interstate Commerce Commission.

By the Commission:

ROBERT L. OSWALD,  
*Secretary.*

[FR Doc. 77-7760 Filed 3-16-77; 8:45 am]







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register**

THURSDAY, MARCH 17, 1977

PART II



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**DEPARTMENT OF  
TRANSPORTATION**

Federal Aviation  
Administration



**ADVISORY CIRCULAR  
CHECKLIST AND STATUS  
OF FEDERAL AVIATION  
REGULATIONS**



## DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[AC 00-2KK—Effective January 15, 1977]

### ADVISORY CIRCULAR CHECKLIST AND STATUS OF FEDERAL AVIATION REGU- LATIONS

1. *Purpose.* This notice contains the revised checklist of current FAA advisory circulars and the status of Federal Aviation Regulations as of January 15, 1977.

2. *Explanation.* The FAA issues advisory circulars to inform the aviation public in a systematic way of nonregulatory material of interest. Unless incorporated into a regulation by reference, the contents of an advisory circular are not binding on the public. Advisory circulars are issued in a numbered-subject system corresponding to the subject areas of the Federal Aviation Regulations (14 CFR Ch. I). This checklist is issued triannually to list all current advisory circulars and also includes a checklist showing the status of the Federal Aviation Regulations.

#### 3. The Circular Numbering System.

a. *General.* The advisory circular numbers relate to the FAR subchapter titles and correspond to the Parts, and when appropriate, to the specific sections of the Federal Aviation Regulations. Circulars of a general nature bear a number corresponding to the number of the general subject (subchapter) in the FAR's. A general subject number is used only when a circular covers more than one Part.

b. *General subject numbers.* The general subject matter areas and related numbers are as follows:

#### General Subject Number and Subject Matter

00	General.
10	Procedural.
20	Aircraft.
60	Airmen.
70	Airspace.
90	Air Traffic Control and General Operations.
120	Air Carrier and Commercial Operators and Helicopters.
140	Schools and Other Certified Agencies.
150	Airports.
170	Air Navigational Facilities.
180	Administrative.
210	Flight Information.

Within the General Subject Number Areas, specific selectivity in advisory circular mail lists is available corresponding to the applicable FAR Parts. For example: under the 60 general subject area, separate mail lists for advisory circulars issued in the 61, 63, 65, or 67 series are available.

c. *Breakdown of subject numbers.* When the volume of circulars in a series warrants a subsubject breakdown, the general number is followed by a slash and a subsubject number. Material in the 150 series, Airports, is issued under the following subsubjects:

#### Number and Subject

150/1900	Defense Readiness Program.
150/4000	Resource Management.
150/5000	Airport Planning.
150/5100	Federal-aid Airport Program.

150/5150	Surplus Airport Property Conveyance Programs.
150/5190	Airport Compliance Program.
150/5200	Airport Safety—General.
150/5210	Airport Safety Operations (Recommended Training, Standards, Manning).
150/5220	Airport Safety Equipment and Facilities.
150/5230	Airport Ground Safety System.
150/5240	Civil Airports Emergency Preparedness.
150/5300	Design, Construction, and Maintenance—General.
150/5320	Airport Design.
150/5325	Influence of Aircraft Performance on Aircraft Design.
150/5335	Runway, Taxiway, and Apron Characteristics.
150/5340	Airport Visual Aids.
150/5345	Airport Lighting Equipment.
150/5360	Airport Buildings.
150/5370	Airport Construction.
150/5380	Airport Maintenance.
150/5390	Heliports.
150/5900	Planning Grant for Airports.

d. *Individual circular identification numbers.* Each circular has a subject number followed by a dash and a sequential number identifying the individual circular. This sequential number is not used again in the same subject series. Revised circulars have a letter A, B, C, etc., after the sequential number to show complete revisions. Changes to circulars have CH 1, CH 2, CH 3, etc., after the identification number on pages that have been changed. The date on a revised page is changed to the effective date of the change.

#### 4. The Advisory Circular Checklist.

a. *General.* Each circular issued is listed numerically within its subject-number breakdown. The identification number (AC 120-1), the change number of the latest change, if any, to the right of the identification number, the title, and the effective date for each circular are shown. A brief explanation of the contents is given for each listing.

b. *Omitted numbers.* In some series, sequential numbers are missing. These numbers were assigned to advisory circulars still in preparation which will be issued later or were assigned to advisory circulars that have been canceled.

c. *Free and sales circulars.* This checklist contains advisory circulars that are for sale as well as those distributed free of charge by the Federal Aviation Administration. A list of circulars sold by the Superintendent of Documents is shown at the end of the numerical list of AC's. Please use care when ordering circulars to ensure that they are ordered from the proper source.

d. *Internal directives for sale.* A list of certain internal directives sold by the Superintendent of Documents is shown at the end of the checklist. These documents are not identified by advisory circular numbers, but have their own directive numbers.

#### 5. How to get circulars.

a. When a price is listed after the description of a circular, it means that this circular is for sale by the Superintendent of Documents. When (Sub.) is included with the price, the advisory circular is available on a subscription

basis only. After your subscription has been entered by the Superintendent of Documents, supplements or changes to the basic document will be provided automatically at no additional charge until the subscription expires. When no price is given, the circular is distributed free of charge by FAA.

b. Request free advisory circulars shown without an indicated price from:

U.S. Department of Transportation, Publications Section TAD 443.1, Washington, D.C. 20590.

c. Persons who want to be placed on FAA's mailing list for future circulars should write to:

U.S. Department of Transportation, Distribution Requirements Section, TAD 482.3, Washington, D.C. 20590.

NOTE: Be sure to identify the subject matter numbers and titles shown in paragraph 3b because separate mailing lists are maintained for each advisory circular subject series. Checklists and circulars issued in the General series will be distributed to every addressee on each of the subject series lists. Persons requesting more than one subject classification may receive more than one copy of related circulars and this checklist because they will be included on more than one mailing list. Persons already on the distribution list for AC's will automatically receive related circulars.

d. Order advisory circulars and internal directives with purchase price given from:

Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402;

or from any of the following bookstores located throughout the United States:

- GPO Bookstore, Room 102A, 2121 Building, 2121 Eighth Avenue North, Birmingham, AL 35203.
- GPO Bookstore, Federal Building, Room 1015, 300 North Los Angeles Street, Los Angeles, CA 90012.
- GPO Bookstore, Federal Building, Room 1023, 450 Golden Gate Avenue, San Francisco, CA 94102.
- GPO Bookstore, Federal Building, U.S. Courthouse, Room 1421, 1961 Stout Street, Denver, CO 80202.
- GPO Bookstore, P.O. Box 713, Pueblo, CO 81002.
- GPO Bookstore, Federal Building, Room 158, 400 West Bay Street, Jacksonville, FLA 32202.
- GPO Bookstore, Room 100, Federal Building, 275 Peachtree Street NE., Atlanta, GA 30303.
- GPO Bookstore, Everett McKinley Dirksen Building, Room 1463, 14th Floor, 219 South Dearborn Street, Chicago, IL 60604.
- GPO Bookstore, Room G25, John F. Kennedy Federal Building, Sudbury Street, Boston, MA 02203.
- GPO Bookstore, Federal Office Building, Room 229, 231 W. Lafayette Blvd., Detroit, MI 48226.
- GPO Bookstore, Federal Building, Room 144, 601 East 12th Street, Kansas City, MO 64106.
- GPO Bookstore, Room 1356, 26 Federal Plaza, New York, NY 10007.
- GPO Bookstore, Federal Office Building, 201 Cleveland Avenue SW., Canton, OH 44702.
- GPO Bookstore, Federal Office Building, Room 171, 1240 East Ninth Street, Cleveland, OH 44199.
- GPO Bookstore, Federal Office Bldg., Room 1214, 600 Arch St. Philadelphia, PA 19106.



GPO Bookstore, Room 1C46, Federal Building, U.S. Courthouse, 1100 Commerce Street, Dallas, TX 75202.

GPO Bookstore, Federal Building, Room 190, 915 Second Ave., Seattle, WA 98174.

GPO Bookstore, Federal Building, Room 100, 517 E. Wisconsin Avenue, Milwaukee, WI 53202.

GPO Bookstore, 710 North Capitol Street NW., Washington, D.C. 20402.

#### Special Notice

Orders for subscription items can no longer be accepted by the bookstores. These orders must be placed directly with the Superintendent of Documents, Washington, D.C. 20402.

Send check or money order with your order to the Superintendent of Documents. Make the check or money order payable to the Superintendent of Documents in the amounts indicated in the list. Orders for mailing to foreign countries should include an additional 25 percent of the total price to cover handling. No c.o.d. orders are accepted.

6. *Reproduction of Advisory Circulars.* Advisory circulars may be reproduced in their entirety or in part without permission from the Federal Aviation Administration.

7. *Cancellations.* The following advisory circulars are canceled:

AC 00-2JJ Advisory Circular Checklist, 9-15-76. Canceled by AC 00-2KK Advisory Circular Checklist, 1-15-77.

AC 00-26 Definitions of "U.S. National Aviation Standards", 1-22-69. Canceled.

AC 00-44E Status of the Federal Aviation Regulations, 7-1-76. Canceled by AC 00-44F Status of Federal Aviation Regulations, 12-1-76.

AC 00-49 FAA Aviation Review Conference, 1-16-76. Canceled.

AC 00-51 Announcement and Invitation—FAR Part 135 Regulatory Review Program, 9-8-76. Canceled.

AC 20-6Z U.S. Civil Aircraft Register, 12-31-75. Canceled by AC 20-6AA U.S. Civil Aircraft Register, 7-1-76.

AC 20-36E Index of Materials, Parts, and Appliances Certified Under the Technical Standard Order System—July 1, 1975, 9-3-75. Canceled by AC 20-36F Index of Materials, Parts, and Appliances Certified Under the Technical Standard Order System, 9-9-76.

AC 20-39 Installation Approval of Entertainment Type Television Equipment in Aircraft, 7-15-65. Canceled.

AC 20-43B Aircraft Fuel Control, 6-8-71. Canceled by AC 20-43C Aircraft Fuel Control, 10-20-76.

AC 20-62B Eligibility, Quality, and Identification of Approved Aeronautical Replacement Parts, 9-13-74. Canceled by Eligibility, Quality, and Identification of Approved Aeronautical Replacement Parts, 8-26-76.

AC 20-90A Address List for Engineering and Manufacturing District Offices, 3-5-75. Canceled by AC 20-90B Address List for Engineering and Manufacturing District Offices, 12-3-76.

AC 39-1A Jig Fixtures; Replacement of Wing Attach Angles and Doublers on Douglas DC-3 Series Aircraft, Airworthiness Directive 66-18-2, 3-5-70. Canceled.

AC 43-1 Matching VHF Navigation Receiver Outputs With Display Indicators, 8-2-65.

AC 43-202 Maintenance of Weather Radar Radomes, 6-6-67. Canceled.

AC 61-3E Flight Test Guide—Private Pilot—Airplane, Single Engine, 4-2-68. Canceled.

AC 61-4C Multiengine Airplane Class or Type Rating—Flight Test Guide, 2-1-71. Canceled.

AC 61-5A Helicopter Pilot Written Test Guide—Private—Commercial, 8-14-67. Canceled.

AC 61-11B Airplane Flight Instructor Written Test Guide, 9-12-72. Canceled.

AC 61-14A Flight Instructor Practical Test Guide, 10-23-69. Canceled.

AC 61-17B Flight Test Guide—Instrument Pilot Airplane, 1-12-72. Canceled.

AC 61-25 Flight Test Guide—Helicopter Private and Commercial Pilot, 12-7-65. Canceled.

AC 61-28A Commercial Pilot Written Test Guide, 4-28-70. Canceled.

AC 61-29A Instrument Flight Instructor Written Test Guide, 10-16-70. Canceled.

AC 61-30A Flight Test Guide—Gyroplane, Private and Commercial, 3-23-72. Canceled.

AC 61-31A Gyroplane Pilot Written Test Guide, Private and Commercial, 8-9-72. Canceled by AC 61-31B Gyroplane Written Test Guide—Private and Commercial, 4-14-76.

AC 61-33 Gyroplane Flight Instructor Examination Guide, 3-25-66. Canceled.

AC 61-38 Rotorcraft Helicopter Written Test Guide, 8-16-67. Canceled.

AC 61-39A Flight Test Guide, Private and Commercial Pilot, Glider, 10-19-72. Canceled.

AC 61-41A Glider Flight Instructor Written Test Guide, 1-12-72. Canceled.

AC 61-49 Airline Transport Pilot—Airplane Practical Test Guide, 8-9-71. Canceled.

AC 61-56 Flight Test Guide (Part 61 revised) Instrument Pilot Airplane, 5-1-73. Canceled by AC 61-56A Flight Test Guide—Instrument Pilot Airplane, 5-7-76.

AC 61-117-1D Flight Test Guide—Commercial Pilot, Airplane, 2-14-72. Canceled.

AC 65-13A FAA Inspection Authorization Directory, 4-18-74. Canceled by AC 65-13B FAA Inspection Authorization Directory, 11-26-76.

AC 70-2 Airspace Utilization Considerations in the Proposed Construction, Alteration, Activation and Deactivation of Airports, 7-23-73. Canceled by AC 70-2A Airspace Utilization Considerations in the Proposed Construction, Alteration, Activation and Deactivation of Airports, 10-26-76.

AC 70/7460-1D Obstruction Marking and Lighting, 4-18-75. Canceled by AC 70/7460-1E Obstruction Marking and Lighting, 11-1-76.

AC 90-20 Weather Radar Radomes, 11-12-64. Canceled.

AC 90-38A Use of Preferred IFR Routes, 12-29-69. Canceled.

AC 90-51 FAA Motion Picture—"Caution—Wake Turbulence", 11-17-70. Canceled.

AC 90-69 National Beacon Code Allocation Plan, 11-5-75. Canceled.

AC 91-10A Suggestions for Use of U.S. Minima by General Aviation Operators of Turbojet Airplanes, 10-8-65.

AC 91-42 Hazards of Rotating Propellers, 6-17-75. Canceled by AC 91-42A Hazards of Rotating Propellers and Helicopter Rotor Blades, 10-19-76.

AC 103-3 Information Guide for Training Programs and Manual Requirements in the Air Transportation of Dangerous Articles and Magnetized Materials, 10-10-73. Canceled by AC 121-21 Information

Guide for Training Programs and Manual Requirements in the Air Transportation of Hazardous Materials, 7-30-76.

AC 120-26C Civil Aircraft Operator Designators, 9-28-72. Canceled by AC 120-26D Civil Aircraft Operator Designators, 11-11-76.

AC 120-30 Reporting Requirements of Air Carriers, Commercial Operators, Travel Clubs, and Air Taxi Operators of Large Aircraft, 6-16-76. Canceled by AC 120-30A Reporting Requirements of Air Carriers, Commercial Operators, Travel Clubs, and Air Taxi Operators of Large and Small Aircraft, 9-8-76.

AC 121-3P Maintenance Review Board Reports, 6-2-76. Canceled by AC 121-3Q Maintenance Review Board Reports, 9-3-76.

AC 135-5 Maintenance Program Approval for Carry-On Oxygen Equipment for Medical Purposes, 8-19-75. Canceled by AC 135-5A Maintenance Program Approval for Carry-On Oxygen Equipment for Medical Purposes, 11-23-76.

AC 135.60-1 Aircraft Inspection Program, 5-1-70. Canceled.

AC 141-2 Written Tests Prepared by Pilot Schools With Examining Authority Under Part 141 (revised) of the Federal Aviation Regulations, 9-18-74. Canceled by AC 141-2A Written Tests Prepared by Pilot Schools With Examining Authority Under Part 141 (Revised) of the Federal Aviation Regulations, 10-3-75.

AC 143-2B Ground Instructor—Instrument—Written Test Guide, 6-25-70. Canceled by AC 143-2C Ground Instructor—Instrument—Written Test Guide, 1-30-76.

AC 147-2P Directory of FAA Certificated Aviation Maintenance Technician Schools, 2-5-76. Canceled by AC 147-2Q Directory of FAA Certificated Aviation Maintenance Technician Schools, 11-26-76.

AC 150/5345-1D Approved Airport Lighting Equipment, 4-11-73. Canceled by AC 150/5345-1E Approved Airport Lighting Equipment, 9-9-76.

AC 150/5380-2A Snow Removal Techniques Where In-Payment Lighting Systems are Installed, 12-24-64. Canceled by AC 150/5200-23 Airport Snow and Ice Control, 11-1-76.

8. *Additions.* The following advisory circulars are added to the list.

AC 00-2KK Advisory Circular Checklist, 1-15-76.

AC 00-44F Status of Federal Aviation Regulations, 12-1-76.

AC 20-6AA U.S. Civil Aircraft Register (2 vol. set), July 1976.

AC 20-7N General Aviation Inspection Aids, Supplement 2, October 1976; Supplement 3, November 1976; Supplement 4, December 1976; Supplement 5, January 1977.

AC 20-36F Index of Materials, Parts, and Appliances Certified Under the Technical Standard Order System, 9-9-76.

AC 20-43C Aircraft Fuel Control, 10-20-76.

AC 20-62 Eligibility, Quality, and Identification of Approved Aeronautical Replacement Parts, 8-26-76.

AC 20-90B Address List for Engineering and Manufacturing District Offices, 12-3-76.

AC 36-2 Estimated (Uncertificated) Noise Levels of Aircraft, 9-21-76.

AC 60-15 Publication of New FAA Written Test Study Guides, 12-3-76.

AC 61-31B Gyroplane Written Test Guide—Private and Commercial, 4-14-76.

AC 61-56A Flight Test Guide, Instrument Pilot Airplane, 5-7-76.



- AC 61-81 Private and Commercial Pilot—Glider—Written Test Guide, 4-27-76.
- AC 61-83 Nationally Scheduled Federal Aviation Administration (FAA) Approved, Industry-Conducted Flight Instructor Refresher Clinics, 9-3-76.
- AC 65-13B FAA Inspection Authorization Directory, 11-26-76.
- AC 65-19A Inspection Authorization Study Guide, 11-17-76.
- AC 70-2A Airspace Utilization Considerations in the Proposed Construction, Alteration, Activation and Deactivation of Airports, 10-26-76.
- AC 70/7460-1E Obstruction Marking and Lighting, 11-1-76.
- AC 90-70 Straight-In Nonprecision Instrument Approach Procedures Visual Descent Point (VDP), 7-7-76.
- AC 90-71 Experimental Profile Descent Procedures/Charts, 11-23-76.
- AC 90-72 Minimum Safe Altitude Warning (MSAW), 11-30-76.
- AC 91-42A Hazards of Rotating Propellers and Helicopter Rotor Blades, 10-19-76.
- AC 97-1 Runway Visual Range (RVR), 11-4-76.
- AC 120-26D Civil Aircraft Operator Designators, 11-11-76.
- AC 120-30A Reporting Requirements of Air Carriers, Commercial Operators, Travel Clubs, and Air Taxi Operators of Large and Small Aircraft, 9-9-76.
- AC 120-31 Operation and Airworthiness Approval of Airborne Omega Radio Navigation Systems as a Means of Updating Self-Contained Navigation Systems, 12-15-76.
- AC 121-1A Ch 2 Standard Operations Specifications—Aircraft Maintenance Handbook, 8-19-76.
- AC 121-3Q Maintenance Review Board Reports, 9-3-76.
- AC 121-21 Information Guide for Training Programs and Manual Requirements in the Air Transportation of Hazardous Materials, 7-30-76.
- AC 135-5A Maintenance Program Approval for Carry-On Oxygen Equipment for Medical Purposes, 11-23-76.
- AC 141-2A Written Tests Prepared by Pilot Schools With Examining Authority Under Part 141 (Revised) of the Federal Aviation Regulations, 10-9-75.
- AC 143-2C Ground Instructor Instrument Written Test Guide, 1-30-76.
- AC 147-2Q Directory of FAA Certificated Aviation Maintenance Technician Schools, 11-26-76.
- AC 150/5000-3C Ch 1 Address List for Regional Airports Divisions and Airports District Offices, 9-9-76.
- AC 150/5100-9 Ch 1 Engineering Services Under the Airport Development Aid Program (ADAP), 6-11-75.
- AC 150/5100-12 Electronic Navigational Aids Approved for Funding Under the Airport Development Aid Program (ADAP), 9-20-76.
- AC 150/5200-23 Airport Snow and Ice Control, 11-1-76.
- AC 150/5300-4B Ch 1 Utility Airports—Air Access to National Transportation, 8-24-76.
- AC 150/5325-4 Ch 11 Runway Length Requirements for Airport Design, 11-15-76.
- AC 150/5340-25 Visual Approach Slope Indicator (VASI) Systems, 9-24-76.
- AC 150/5345-1E Approved Airport Lighting Equipment, 9-9-76.
- AC 150/5380-6 Airport Terminal Building Development With Federal Participation, 10-5-76.
- AC 150/5360-7 Planning and Design Considerations for Airport Terminal Building Development, 10-5-76.

- AC 150/5360-8 Announcement of Availability of Information on Foreign Airport Planning, Design, Construction, and Trade Opportunities, 9-24-76.
- AC 150/5370-2A Ch 1 Operational Safety on Airports With Emphasis on Safety During Construction, 8-2-76.

#### ADVISORY CIRCULAR CHECKLIST

##### Notice

Superintendent of Documents catalogue numbers and stock numbers have been included to aid Superintendent of Documents personnel in processing orders. Please use them when ordering—along with the title and FAA number. To avoid unnecessary delays, do not order single-sales material and subscription-sales material on the same order form, as orders are separated for processing by different departments when they arrive at Superintendent of Documents. Be sure your name and address appears on each list.

##### NOTICE

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##### General

##### SUBJECT NO. 00

- 00-1 The Advisory Circular System (12-4-62).

Describes the FAA Advisory Circular System.

- 00-2KK Advisory Circular Checklist (1-15-77).

Transmits the revised checklist of current FAA advisory circulars and the status of the Federal Aviation Regulations as of 1-15-77.

- 00-6A Aviation Weather (3-3-75).

Provides an up-to-date and expanded text for pilots and other flight operations personnel whose interest in meteorology is primarily in its application to flying. (\$4.55 GPO.) TD 4.408:W37/975. SN 050-007-00283-1.

- 00-7A State and Regional Disaster Airlift (SARDA) Planning (6-3-74).

Provides guidance for the development and implementation of State and Regional Disaster Airlift plans governing the use of general aviation aircraft during national emergencies and natural disasters.

- 00-21 Shoulder Harness (10-5-66).

Provides information concerning the installation and use of shoulder harnesses by pilots in general aviation aircraft.

- 00-24 Thunderstorms (6-12-68).

Contains information concerning flights in or near thunderstorms.

- 00-25 Forming and Operating a Flying Club (3-24-69).

Provides preliminary information that will assist anyone or any group of people interested in forming and operating a flying club (\$0.75 GPO.) TD 4.8:F 67. SN 050-007-00065-1.

- 00-26 Definitions of "U.S. National Aviation Standards" (1-22-69).

Informs the aviation community of the approval by the FAA Administrator of a definition of U.S. National Aviation Standards, the need for such standards, and their relationship to the Federal Aviation Regulations.

- 00-28 Communications Interference Caused by Sticking Microphone Buttons (3-6-69).

Alerts the industry of communications interference from undesired radiofrequency transmissions.

- 00-30 Rules of Thumb for Avoiding or Minimizing Encounters with Clear Air Turbulence (3-5-70).

Brings to the attention of pilots and other interested personnel, the "Rule of Thumb" for avoiding or minimizing encounters with clear air turbulence (CAT).

- 00-31 U.S. National Aviation Standard for the VORTAC System (6-10-70).

Informs the aviation community of the establishment and content of the U.S. National Aviation Standard for the VORTAC (VOR-TACAN-DME) System.

- 00-32 Civil Air Patrol and State and Regional Defense Airlift Relationships (7-2-70).

Advises interested persons of the Memorandum of Understanding between CAP and FAA, and provides additional guidance to further improve the use of non-air carrier aircraft in time of national emergency.

- 00-33A Nickel-Cadmium Battery Operational, Maintenance, and Overhaul Practices (2-14-73).

Provides guidelines for more reliable nickel-cadmium battery operation through proper operational and maintenance practices, and has been reissued to include reconditioning information.

- 00-34A Aircraft Ground Handling and Servicing (7-29-74).

Contains information and guidance for the servicing and ground handling of aircraft.

- 00-11A FAA Quality Control System Certification Program (11-3-75).

Describes the FAA Quality Control System Certification Program and the mechanics of implementation. It is intended for guidance and information only.

- 00-44E Status of the Federal Aviation Regulations (7-1-76).

Summarizes the current status of the conversion program, lists FAR prices, and provides ordering instructions for purchasing the regulations.

- 00-45 Aviation Weather Services (2-26-75).

Supplements AC 00-6, Aviation Weather, in that it explains the weather service in general and the use and interpretation of reports, forecasts, weather



maps, and prognostic charts in detail. Is an excellent source of study for pilot certification examinations. (\$1.95 GPO.) TD 4.408:W37/2. SN 050-007-00259-9.

**00-16A Aviation Safety Reporting Program (3-31-76).**

Advises that the FAA will modify the Aviation Safety Reporting Program, effective April 15, 1976, by utilizing NASA as a third party to receive and analyze the aviation safety reports. This study invites pilots, controllers, and other users of the airspace or any other person to report to NASA actual or potential discrepancies and deficiencies involving the safety of aircraft operations.

**00-50 Low Level Wind Shear (4-8-76).**

Provides guidance for recognizing the meteorological situations that produce the phenomenon widely known as low level wind shear.

**Procedural**

**SUBJECT NO. 10**

**11-1A Airspace Rule-Making Proposals and Changes to Air Traffic Control Procedures (12-21-72).**

Emphasizes the need for the early submission of proposal involving airspace rule-making activity or changes to existing procedures for the control of air traffic.

**11-2 Notice of Proposed Rulemaking Distribution System (12-17-75).**

Provides the public with information relative to participation in the FAA rulemaking process and explains the availability of the Notices.

**Aircraft**

**SUBJECT NO. 20**

**20-3C Status and Availability of Military Handbooks and ANC Bulletins for Aircraft (6-1-73).**

Announces the status and availability of Military Handbooks and ANC Bulletins prepared jointly with FAA, Navy and Air Force.

**20-5D Plane Sense (2-11-76).**

Provides general aviation information for the private aircraft owner and outlines requirements of owning and operating a personal type airplane.

**AC 20-6AA U.S. Civil Aircraft Register (2-Vol. set) (July 1976).**

Lists all active U.S. civil aircraft by registration number. (\$23.75 GPO.) TD 4.18/2:976-2/v. 1, 2. SN 050-007-00348-0.

**20-7N General Aviation Inspection Aids, 1976).**

Provides the aviation community with a uniform means for interchanging service experience that may improve the durability and safety of aeronautical products. Of value to mechanics, operators of repair stations, and others engaged in the inspection, maintenance, and operation of aircraft in general. \$7.25; \$9.25 foreign—Sub. GPO.) SN 050-011-90045-4.

**20-7N Supplement 1 (Sept. 1976).**

**20-7N Supplement 2 (Oct. 1976).**

**20-7N Supplement 3 (Nov. 1976).**

**20-7N Supplement 4 (Dec. 1976).**

**20-7N Supplement 5 (Jan. 1977).**

**20-9 Personal Aircraft Inspection Handbook (12-2-64).**

Provides a general guide, in simple, nontechnical language, for the inspection of aircraft. Reprinted 1972. (\$1.60 GPO.) FAA 5.8/2:A1 7/2. SN 050-001-00001-1.

**20-13A Surface-Effect Vehicles (8-28-64).**

States FAA policy on surface-effect vehicles (vehicles supported by a cushion of compressed air).

**20-17B Surplus Aircraft of the Armed Forces (10-11-72).**

Sets forth the method of obtaining copies of Federal Aviation Regulations which might be required for certification of surplus military aircraft.

**20-18A Qualification Testing of Turbojet Engine Thrust Reversers (3-16-66).**

Discusses the requirements for the qualification of thrust reversers and sets forth an acceptable means of compliance with the tests prescribed in Federal Aviation Regulations, Part 33, when run under nonstandard ambient air conditions.

**20-23D Interchange of Service Experience—Mechanical Difficulties (2-12-71).**

Provides information on the voluntary exchange service experience data used in improving durability and safety of aeronautical products.

**20-24A Qualification of Fuels, Lubricants, and Additives (4-1-67).**

Establishes procedures for the approval of the use of subject materials in certificated aircraft.

**20-27B Certification and Operation of Amateur-Built Aircraft (4-20-72).**

Provides information and guidance concerning certification and operation of amateur-built aircraft, including gliders, free balloons, helicopters, and gyroplanes, and sets forth an acceptable means, not the sole means, of compliance with FAR Part 21 and FAR Part 91.

**20-28A Nationally Advertised Construction Kits, Amateur Built Aircraft (12-29-72).**

Advises persons contemplating the use of nationally advertised kits for the construction of an aircraft, that certain kits when used could render the aircraft ineligible for the issuance of an experimental certificate as an amateur-built aircraft.

**20-29B Use of Aircraft Fuel Anti-icing additives (1-18-72).**

Provides information on the use of anti-icing additives PFA-55MB and MIL-1-27686 as an acceptable means of compliance with the FARs that require assurance of continuous fuel flow under

conditions where ice may occur in turbine aircraft fuel systems.

**20-30A Airplane Position Lights and Supplementary Lights (4-18-68).**

Provides an acceptable means for complying with the position light requirements for airplane airworthiness and acceptable criteria for the installation of supplementary lights on airplanes.

**20-32B Carbon Monoxide (CO) Contamination in Aircraft—Detection and Prevention (11-24-72).**

Provides information on the potential dangers of carbon monoxide contamination from faulty engine exhaust systems or cabin heaters of the exhaust gas heat exchanger type.

**20-33B Technical Information Regarding Civil Aeronautics Manuals 1, 3, 4a, 4b, 5, 6, 7, 8, 9, 13 and 14 (5-1-75).**

Advises the public that policy information contained in the subject Civil Aeronautics Manuals may be used in conjunction with specific sections of the Federal Aviation Regulations.

**20-34A Prevention of Retractable Landing Gear Failures (4-21-69).**

Provides information and suggested procedures to minimize landing accidents involving aircraft having retractable landing gear.

**20-35B Tie-Down Sense (4-19-71).**

Provides information of general use on aircraft tie-down techniques and procedures.

**20-36F Index of Materials, Parts, and Appliances Certified Under the Technical Standard Order System—July 1, 1976 (9-9-76).**

Lists the materials, parts, and appliances for which the Administrator has received statements of conformance under the Technical Standard Order system as of July 1, 1976. Such products are deemed to have met the requirements for FAA approval as provided in Part 37 of the Federal Aviation Regulations.

**20-37B Aircraft Metal Propeller Blade Failure (9-12-74).**

Provides information and suggested procedures to increase service life and to minimize blade failures of metal propellers.

**20-38A Measurement of Cabin Interior Emergency Illumination in Transport Airplanes (2-8-66).**

Outlines acceptable methods, but not the only methods, for measuring the cabin interior emergency illumination on transport airplanes, and provides information as to suitable measuring instruments.

**20-40 Placards for Battery-Excited Alternators Installed in Light Aircraft (8-11-65).**

Sets forth an acceptable means of complying with placarding rules in Fed-



eral Aviation Regulations 23 and 27 with respect to battery-excited alternator installations.

**23-41 Replacement TSO Radio Equipment in Transport Aircraft (8-30-65).**

Sets forth an acceptable means for complying with rules governing transport category aircraft installations in cases involving the substitution of technical standard order radio equipment for functionally similar radio equipment.

**20-42 Hand Fire Extinguishers in Transport Category Airplanes and Rotorcraft (9-1-65).**

Sets forth acceptable means (but not the sole means) of compliance with certain hand fire extinguisher regulations in FAR 25 and FAR 29, and provides related general information.

**AC 20-43C Aircraft Fuel Control (10-20-76).**

Alerts the aviation community to the potential hazards of inadvertent mixing or contamination of turbine and piston fuels, and provides recommended fuel control and servicing procedures.

**20-44 Glass Fiber Fabric for Aircraft Covering (9-3-65).**

Provides a means, but not the sole means, for acceptance of glass fiber fabric for external covering of aircraft structure.

**20-45 Safelying of Turnbuckles on Civil Aircraft (9-17-65).**

Provides information on turnbuckle safelying methods that have been found acceptable by the FAA during past aircraft type certification programs.

**20-46 Suggested Equipment for Gliders Operating Under IFR (9-23-65).**

Provides guidance to glider operators on how to equip their gliders for operation under instrument flight rules (IFR), including flight through clouds.

**20-47 Exterior Colored Band Around Exits on Transport Airplanes (2-8-66).**

Sets forth an acceptable means, but not the only means, of complying with the requirement for a 2-inch colored band outlining exits required to be operable from the outside on transport airplanes.

**20-48 Practice Guide for Decontaminating Aircraft (5-5-66).**

The title is self-explanatory.

**20-51 Procedures for Obtaining FAA Approval of Major Alterations to Type Certificated Products (4-12-67).**

Provides assistance to persons who desire to obtain FAA approval of major alterations to type certificate products.

**20-52 Maintenance Inspection Notes for Douglas DC-6/7 Series Aircraft (8-24-67). (Consolidated Reprint—January 1974, includes Change 1.)**

Describes maintenance inspection notes which can be used for the maintenance

support of certain structural parts of DC-6/7 series aircraft.

**20-53 Protection of Aircraft Fuel System Against Lightning (10-6-67).**

Sets forth acceptable means, not the sole means, by which compliance may be shown with fuel system lightning protection airworthiness regulations.

**20-54 Hazards of Radium-Activated Luminous Compounds Used on Aircraft Instruments (10-24-67).**

Provides information concerning health hazards associated with the repair and maintenance of instruments containing luminous markings activated with radium-226 or radium-228 (mesothorium).

**20-55 Turbine Engine Overhaul Standard Practices Manual—Maintenance of Fluorescent Penetrant Inspection Equipment (1-22-68).**

Advises operators of the necessity for periodic checking of black light lamps and filters used during fluorescent penetrant inspection of engine parts.

**20-56A Marking of TSO-C72b Individual Flotation Devices (4-1-75).**

Outlines acceptable methods for marking individual flotation devices which also serve as seat cushions.

**20-57A Automatic Landing Systems (ALS) (1-12-71).**

Sets forth an acceptable means of compliance, but not the only means, for the installation approval of automatic landing systems in transport category aircraft which may be used initially in Category II operations. Approval of these aircraft for use under such conditions will permit the accumulation of data for systems which may be approved for Category IIIa in the future.

**20-59 Maintenance Inspection Notes for Convair 240, 340/440, 240T, and 340T Series Aircraft (2-19-68).**

Describes maintenance inspection notes which can be used for the maintenance support of certain structural parts of Convair 240, 340/440, 240T, and 340T series aircraft.

**20-59 CH 1 (8-24-72).**

Provides additional material for Convair Models 240 and 600/240D; Models 340/440 and 640/340D/440D series aircraft maintenance inspection programs.

**20-60 Accessibility to Excess Emergency Exits (7-18-68).**

Sets forth acceptable means of compliance with the "readily accessible" provisions in the Federal Aviation Regulations dealing with excess emergency exits.

**20-62C Eligibility, Quality, and Identification of Approved Aeronautical Replacement Parts (8-26-76).**

Provides information relative to the determination of the eligibility of aeronautical parts and materials for installation on certificated aircraft.

**20-63 Airborne Automatic Direction Finder Installations (Low and Medium Frequency) (7-7-69).**

Sets forth one means, but not the only means, of demonstrating compliance with the airworthiness rules governing the functioning of airborne automatic direction finders. It does not pertain to installations previously approved.

**20-64 Maintenance Inspection Notes for Lockheed L-188 Series Aircraft (8-1-69).**

Describes maintenance inspection notes which can be used for the maintenance support of certain structural parts of Lockheed L-188 series aircraft.

**20-64 CH 1 (10-26-73).**

**20-65 U.S. Airworthiness Certificates and Authorizations for Operation of Domestic and Foreign Aircraft (8-11-69).**

Provides general information and guidance concerning issuance of airworthiness certificates for U.S. registered aircraft, and issuance of special flight authorizations for operation in the United States of foreign aircraft not having standard airworthiness certificates issued by the country of registry.

**20-66 Vibration Evaluation of Aircraft Propellers (1-29-70).**

Outlines acceptable means, but not the sole means, for showing compliance with the requirements of the FARs concerning propeller vibration.

**20-67A Airborne VHF Communication System Installations (10-17-72).**

Sets forth one means, but not the only means of demonstrating compliance with the airworthiness rules governing the functioning of airborne VHF communication systems.

**20-68A Recommended Radiation Safety Precautions for Airborne Weather Radar (4-11-75).**

Sets forth recommended radiation safety precautions for ground operation of airborne weather radar.

**20-69 Conspicuity of Aircraft Instrument Malfunction Indicators (5-14-70).**

Provides design guidance information on methods of improving conspicuity of malfunction indication devices.

**20-71 Dual Locking Devices on Fasteners (12-8-70).**

Provides guidance and acceptable means, not the sole means, by which compliance may be shown with the requirements for dual locking devices on removable fasteners installed in rotorcraft and transport category airplanes.

**20-72 Restricted Category Helicopter Maximum Weight Increases (3-11-71).**

Provides assistance to persons who desire to obtain FAA approval of over-maximum certificated takeoff weight condition for restricted category helicopter operations.



**20-73 Aircraft Ice Protection (4-21-71).**

Provides information relating to the substantiation of ice protection systems on aircraft.

**20-74 Aircraft Position and Anticollision Light Measurements (7-29-71).**

Contains useful information concerning measurements for intensity, covering, and color of aircraft position and anti-collision lights.

**20-76 Maintenance Inspection Notes for Boeing B-707/720 Series Aircraft (10-21-71).**

Provides maintenance inspection notes which can be used for the maintenance support program for certain structural parts of the B-707/720 series aircraft.

**20-77 Use of Manufacturers' Maintenance Manuals (3-22-72).**

Informs owners and operators about the usefulness of manufacturers' maining, and maintaining aircraft, engines, tenance manuals for servicing, repair, and propellers.

**20-78 Maintenance Inspection Notes for McDonnell Douglas DC-8 Series Aircraft (7-11-72).**

Provides maintenance inspection notes which can be used for the maintenance support program for certain structural parts of the DC-8 series aircraft.

**20-81 Accidental or Unauthorized Activation of Emergency Locator Transmitters (ELT) (10-10-72).**

Alerts the general aviation community to the harmful effects of accidental or unauthorized activation of emergency locator transmitters.

**20-82 Maintenance Inspection Notes for Fairchild Hiller F-27/FH-227 Series Aircraft (12-5-72).**

Provides maintenance inspection notes which can be used for the maintenance support program for certain structural parts of Fairchild Hiller F-27/FH-227 series aircraft.

**20-82 CH 1 (7-12-73).**

Provides additional material for subject advisory circular.

**20-83 Maintenance Inspection Notes for Boeing B-737 Series Aircraft (1-17-73).**

Provides maintenance inspection notes which can be used for the maintenance support program for certain structural parts of the B-737 series aircraft.

**20-83 CH 1 (8-8-74).**

Provides updating of material for the B-737 series aircraft maintenance inspection program. Inspection of selected areas of the wing, fuselage, empennage and landing gear of B-737 series aircraft are presented supplementing information currently in AC 20-83.

**20-83 CH 2 (1-31-75).****20-84 Maintenance Inspection Notes for Boeing B-727 Series Aircraft (1-22-73).**

Provides inspection notes which can be used for the maintenance support program for certain structural parts of the B-727 series aircraft.

**20-84 CH 1 (8-8-74).**

Updates material for the B-727 series aircraft maintenance inspection program. Inspection of selected areas of the wing, fuselage, empennage and landing gear of the B-727 series aircraft are presented supplementing information currently available in AC 20-84.

**20-84 CH 2 (1-31-75).****20-85 Emergency Locator Transmitters and Receivers (3-16-73).**

Provides information concerning the design, installation, and utilization of emergency locator transmitters.

**20-86 Aviation Education through Building an Airplane (5-11-73).**

Provides information to high schools about the available assistance, resources, methods, and opportunities for attaining basic educational goals by building an airplane.

**20-87 Airborne Homing and Alerting Equipment for use with Emergency Locator Transmitters (5-7-73).**

Sets forth the availability of recommended basic characteristics for airborne homing and alerting equipment for use with emergency locator transmitters (ELT).

**20-88 Guidelines on the Marking of Power-Plant Instruments (12-11-73).**

Provides guidelines on the marking of aircraft powerplant instruments.

**20-89 Communication Interference Caused by Unintentional Radio Transmissions (3-22-74).**

Alerts the aviation community to the potential hazards created by unintentional radio transmissions from airborne, mobile, and ground based radio transmitters and gives guidance on alleviating ensuing hazards.

**20-90B Address List for Engineering and Manufacturing District Offices (12-3-76).**

Transmits the address list for all Engineering and Manufacturing District Offices.

**20-91 Lithium Batteries Used in Emergency Locator Transmitters (4-11-75).**

Warns of potential hazards associated with accidental release of sulfur-dioxide gas from lithium-sulfur batteries.

**20-92 Anti-Icing Additives to Reduce Icing Problems in Aviation Gasoline (1-12-76).**

Title is self explanatory.

**20-93 Flutter Due to Ice or Foreign Substance on or in Aircraft Control Surfaces (1-29-76).**

Provides information concerning the potential hazard associated with aircraft control surface flutter caused by imbalance.

**20-94 Digital Clock Installation in Aircraft (3-4-76).**

Provides guidelines for operating and installing digital clocks in aircraft.

**20-95 Fatigue Evaluation of Rotorcraft Structure (5-18-76).**

Sets forth acceptable means, not the only means, of compliance with the provisions of FAR sections 27.571 and 29.571 dealing with the fatigue evaluation of rotorcraft structure.

**21-1B Production Certificates (5-10-76).**

Provides information concerning Subpart G of Federal Aviation Regulations (FAR) Part 21, and sets forth acceptable means of compliance with its requirements.

**21-2C Export Airworthiness Approval Procedures (5-7-76).**

This advisory circular provides general information and guidance concerning issuance of export approvals under Federal Aviation Regulations (FAR) Part 21, Subpart L.

**21-3 Basic Glider Criteria Handbook (1962).**

Provides individual glider designers, the glider industry, and glider operating organizations with guidance material that augments the glider airworthiness certification requirements of the Federal Aviation Regulations. Reprinted 1973. (\$2.05 GPO.) PAA 5.8/2:G49/962, SN 050-011-00004-6.

**21-4B Special Flight Permits for Operation of Overweight Aircraft (7-30-69).**

Furnishes guidance concerning special flight permits necessary to operate an aircraft in excess of its usual maximum certificated takeoff weight.

**21-5D Summary of Supplemental Type Certificates (Announcement of Availability) (4-7-76).**

Announces the availability to the public of the new Summary of Supplemental Type Certificates (SSTC), dated January 1976. (See back of this checklist under "Internal Directives" for further information.)

**21-6 Production Under Type Certificate Only (5-26-67).**

Provides information concerning Subpart F of FAR Part 21, and sets forth examples, when necessary, of acceptable means of compliance with its requirements.

**21-7A Certification and Approval of Import Products (11-24-69).**

Provides guidance and information relative to U.S. certification and ap-



proval of import aircraft, aircraft engines and propellers that are manufactured in a foreign country with which the United States has an agreement for the acceptance of those products for export and import.

**21-8 Aircraft Airworthiness; Restricted Category: Certification of Aircraft With Uncertificated or Altered Engines or Propellers (5-21-69).**

Sets forth acceptable means of substantiating that uncertificated or altered engines and propellers have no unsafe features for type certification of aircraft in the restricted category.

**21-9 Manufacturers Reporting Failures, Malfunctions, or Defects (12-30-70).**

Provides information to assist manufacturers of aeronautical products (aircraft, aircraft engines, propellers, appliances, and parts) in notifying the Federal Aviation Administration of certain failures, malfunctions, or defects, resulting from design or quality control problems, in the products which they manufacture.

**21-10 Flight Recorder Underwater Locating Device (5-20-71).**

Provides one acceptable means (not the only means) of showing compliance with the underwater locating device requirements of FAR 25.1459 and FAR 121.343.

**21-11 Quality Assurance Systems Analysis Review (QASAR) Program Manufacturers/Suppliers (5-26-72).**

Explains the objectives and concept of the FAA's subject program.

**21-12 Application for U.S. Airworthiness Certificate, FAA Form 8130-6 (OMB 04-R0058) (1-17-73).**

Provides instructions on the preparation and submittal of subject form.

**21-13 Standard Airworthiness Certification of Surplus Military Aircraft and Aircraft Built from Spare and Surplus Parts (4-5-73).**

Provides guidance and instructions on establishing eligibility and submitting application for civil airworthiness certification of surplus military aircraft and aircraft assembled from spare and surplus parts, under FAR 21.183(d) when an FAA Type Certificate has been issued under FAR 21.21 or FAR 21.27.

**21-14 The Role of Simulation in the Aircraft Certification Process (6-12-75).**

Informs the aviation industry that the FAA intends to conduct an exploratory program to determine the degree to which simulation can support the aircraft certification process.

**21.25-1 Use of Restricted Category Airplanes for Glider Towing (4-20-65).**

Announces that glider towing is now considered to be a special purpose for type and airworthiness certification in the restricted category.

**21.303-1A Certification Procedures for Products and Parts (8-10-72).**

Provides information concerning section 21.303 of Federal Aviation Regulations, Part 21, and to set forth examples, as necessary, of acceptable means of compliance with its requirements.

**21.303-2 Availability of Listing, "Parts Manufacturer Approvals" — 1975 (3-31-76).**

Announces the availability of the parts listing from the Superintendent of Documents at a price of \$15.

**23.1329-1 Automatic Pilot Systems Approval (Non-Transport) (12-23-65).**

Sets forth an acceptable means by which compliance with the automatic pilot installation requirements of FAR 23.1329 may be shown.

**25-2 Extrapolation of Takeoff and Landing Distance Data Over a Range of Altitude for Turbine-Powered Transport Aircraft (7-9-64).**

Sets forth acceptable means by which compliance may be shown with the requirements in CAR 4b and SR-422B.

**25-4 Inertial Navigation Systems (INS) (2-18-66).**

Sets forth an acceptable means for complying with rules governing the installation of inertial navigation systems in transport category aircraft.

**25-5 Installation Approval on Transport Category Airplanes of Cargo Unit Load Devices Approved as Meeting the Criteria in NAS 3610 (6-3-70).**

Sets forth an acceptable means, but not the sole means, of complying with the requirements of the Federal Aviation Regulations (FAR's) applicable to the installation on transport category airplanes of cargo unit load devices approved as meeting the criteria in NAS 3610.

**25-6 Ground Proximity Warning Systems (GPWS) (12-31-74).**

Outlines acceptable ground proximity warning system performance. System performance, other than that described, may also be acceptable when adequately substantiated.

**25.253-1 High-Speed Characteristics (11-24-65).**

Sets forth an acceptable means by which compliance may be shown with FAR 25.253 during certification flight tests.

**25.253-1 CH 1 (1-10-66).**

Provides amended information for the basic advisory circular.

**25.981-1A Guidelines for Substantiating Compliance With the Fuel Tank Temperature Requirements (1-20-71).**

Sets forth some general guidelines for substantiating compliance with fuel tank temperature airworthiness standards, section 25.981.

**25.1329-1A Automatic Pilot System Approval (7-8-68).**

Sets forth an acceptable means by which compliance with the automatic pilot installation requirements of FAR 25.1329 may be shown.

**25.1457-1A Cockpit Voice Recorder Installations (11-3-69).**

Sets forth one acceptable means of compliance with provisions of FAR 25.1457 (b), (e), and (f) pertaining to area microphones, cockpit voice recorder location, and erasure features.

**29-1 Approval Basis for Automatic Stabilization Equipment (ASE) Installations in Rotorcraft (12-26-63).**

Gives means for compliance with flight requirements in various CAR's.

**29-1 CH 1 (3-26-64).**

Transmits revised information about the time delay of automatic stabilization equipment.

**29.773-1 Pilot Compartment View (1-19-66).**

Sets forth acceptable means, not the sole means, by which compliance with FAR 29.773(a) (1), may be shown.

**33-1B Turbine-Engine Foreign Object Ingestion and Rotor Blade Containment Type Certification Procedures (4-22-70).**

Provides guidance and acceptable means, not the sole means, by which compliance may be shown with the design and construction requirements, of Part 33 of the Federal Aviation Regulations.

**33-2A Aircraft Engine Type Certification Handbook (6-5-72).**

Contains guidance relating to type certification of aircraft engines which will constitute acceptable means, although not the sole means, of compliance with the Federal Aviation Regulations.

**33-3 Turbine and Compressor Rotors Type Certification Substantiation Procedures (9-9-68).**

Sets forth guidance and acceptable means, not the sole means, by which compliance may be shown with the turbine and compressor rotor substantiation requirements in FAR Part 33.

**36-1A Certificated Airplane Noise Levels (7-21-75).**

Provides noise level data for airplanes certificated under FAR Part 36 since its publication on Nov. 18, 1969.

**36-2 Estimated (Uncertificated) Noise Levels of Aircraft (9-21-76).**

Provides estimates of noise levels from airplanes not certificated to FAR Part 36 standards.

**37-2A Test Procedures for Maximum Allowable Airspeed Indicators (10-22-74).**

Provides guidance concerning test procedures which may be used in showing compliance with the standards in FAR 37.145 (TSO-C46a).



**37-3A Radio Technical Commission for Aeronautics Document DO-160 (3-20-75).**

This circular announces RTCA Document DO-160 and discusses how it may be used in connection with technical standard order authorizations.

**39-1A Jig Fixtures; Replacement of Wing Attach Angles and Doublers on Douglas Model DC-3 Series Aircraft Airworthiness Directive 66-18-2 (3-5-70).**

Describes methods of determining that jig fixtures used in the replacement of the subject attached angles and doublers meet the requirements of Airworthiness Directive 66-18-2.

**39-6E Summary of Airworthiness Directives (2-11-76).**

Announces the availability of Summary of Airworthiness Directives dated January 1, 1976 from the FAA in Oklahoma City and how to obtain them.

**43-2A Minimum Barometry for Calibration and Test of Atmospheric Pressure Instruments (8-22-74).**

Sets forth guidance material which may be used to determine the adequacy of barometers used in the calibration of aircraft static instruments and presents information concerning the general operation, calibration, and maintenance of such barometers.

**43-3 Nondestructive Testing in Aircraft (5-11-73).**

Reviews the basic principles underlying nondestructive testing. (\$0.75 GPO.) TD 4.8:T28/973, SN 5007-00208.

**43-4 Corrosion Control for Aircraft (5-15-73).**

Summarizes current available data regarding identification and treatment of corrosive attack on aircraft structure and engine materials.

**43-4 CH 1 (3-1-74).**

Provides additional information on identification and treatment of corrosion attack on aircraft structures. Adds a new Chapter 14—Corrosion control of aircraft used in agricultural cropdusting operations.

**43-4 CH 2 (10-8-74).**

Clarifies the discussion on the removal of corrosion and treatment of corroded areas.

**43-5 Airworthiness Directives for General Aviation Aircraft (8-13-74).**

Points areas of misunderstanding regarding: (1) Aircraft owners and operators' responsibility for complying with AD's; (2) maintenance personnel responsibilities with regards to performance of AD's; and (3) maintenance records entries for AD's required by FAR 91.173(a)(2)(v) and FAR 43.9.

**43-6 Automatic Pressure Altitude Encoding Systems and Transponder Maintenance and Inspection Practices (9-19-74).**

Provides information on the installation of encoding altimeters based upon

recently acquired operating experience and on the maintenance of ATC transponders.

**43-7 Ultrasonic Testing for Aircraft (9-24-74).**

Describes methods used in ultrasonic nondestructive testing, discusses the many advantages, and points out the simplicity of the tests. Contains many illustrations. (\$1 GPO.) TD 4.402:UL 8, SN 050-007-00282-3.

**43-8 Maintaining Hot Air Balloons in an Airworthy Condition (1-2-75).**

Contains information designed to assist balloon owners and operators in maintaining hot air balloons in an airworthy condition. Advises how the maintenance rules of FAR Part 43 apply.

**43-9 Maintenance Records: General Aviation Aircraft (2-19-75).**

Provides information to assist maintenance personnel in fulfilling their responsibility under FAR Section 43.9.

**43-10 Mechanical Work Performed on U.S. and Canadian Registered Aircraft (1-26-76).**

Provides information and guidance to aircraft owners/operators and maintenance personnel concerning mechanical work performed on U.S. registered aircraft by Canadian maintenance personnel and on Canadian registered aircraft by U.S. maintenance personnel.

**43-11 Reciprocating Engine Overhaul Terminology and Standards (4-7-76).**

Discusses engine overhaul terminology and standards that are used by the aviation industry.

**43-12 Preventive Maintenance (7-16-76).**

Provides information concerning preventive maintenance and who may perform it.

**43.9-IC Instruction for Completion of FAA Form 337 (12-20-73).**

Provides instructions for completing revised FAA Form 337, Major Repair and Alteration (Airframe, Powerplant, Propeller, or Appliance).

**43.13-1A Acceptable Methods, Techniques and Practices—Aircraft Inspection and Repair (4-17-72).**

Contains methods, techniques, and practices acceptable to the Administrator for inspection and repair to civil aircraft. Published in 1973. (\$3.70—GPO.) TD 4.28/2:972, SN 050-011-00058-5.

**43.13-1A CHC 1 (5-12-75).**

Transmits new and revised material for basic advisory circular. (\$0.65—GPO.) TD 4.28/2:973/Ch. 1, SN 050-007-00294-7.

**43.13-2 Acceptable Methods, Techniques, and Practices—Aircraft Alterations (4-19-66).**

Contains methods, techniques, and practices acceptable to the Administrator in altering civil aircraft. Published

in 1965. (\$3.60—\$4.50 foreign Sub.—GPO.) TD 4.28:973.

Subscription now includes: Changes 1 thru 14 Consolidated Reprint in 1973, Change 15 dated 1-15-74, and Change 16 dated 8-12-74.

**43-203A Altimeter and Static System Tests and Inspections (6-6-67).**

Specifies acceptable methods for testing altimeter and static system. Also, provides general information on test equipment used and precautions to be taken.

**45-2 Identification and Registration Marking (7-7-72).**

Provides guidance and information concerning the identification and marking requirements of Federal Aviation Regulations (FAR) Parts 21 and 45, and where considered helpful, to provide an acceptable means, but not the sole means, of compliance with the regulations.

**47-1A Aircraft Registration, Eligibility, Identification and Activity Report (6-7-73).**

Advises owners and operators of U.S. civil aircraft of requirement for annual submission of current information related to aircraft registration eligibility, requests similar submission of information related to identification and activity of aircraft; and to call attention to the availability of the reporting form to be used.

**Airmen**

**SUBJECT NO. 60**

**60-2M Annual Aviation Mechanic Safety Awards Program (2-6-75).**

Provides the details of the annual Aviation Mechanic Safety Awards Program.

**60-4 Pilot's Spatial Disorientation (2-9-65).**

Acquaints pilots flying under visual flight rules with the hazards of disorientation caused by the loss of reference with the natural horizon.

**60-6A Airplane Flight Manuals (AFM), Approved Manual Materials, Markings, and Placards—Airplanes (2-9-76).**

Alerts pilots to the regulatory requirements relating to the subject and provides information to aid pilots to comply with these requirements.

**60-9 Induction Icing—Pilot Precautions and Procedures (2-28-73).**

Provides the pilot with information on the causes and results of induction icing in reciprocating aircraft engines, and the precautions he should take to reduce the likelihood of icing, and the means available to him in controlling icing when it is encountered.

**60-10 Recommended Safety Parameters for Operation of Hang Gliders (5-16-74).**

Suggests safety parameters for the operation of "hang gliders" and to present the current FAA intent with respect to the regulation and operation of those vehicles.



**60-11 Aids Authorized for Use by Airman Written Test Applicants (8-27-74).**

Clarifies FAA policy concerning aids that applicants may use when taking airman written tests.

**60-12 Availability of Industry-Developed Guidelines for the Conduct of the Biennial Flight Review (2-11-76).**

Informs all FAA certificated flight instructors of the availability of, and how to obtain, the industry-developed guidelines for the conduct of the Biennial Flight Review.

**60-13 The Accident Prevention Counselor Program (4-27-76).**

Provides information to acquaint the general aviation community with the accident prevention counselor program and outlines the ways the accident prevention counselor force enhances aviation safety.

**60-15 Publication of New Written Test Study Guides (12-3-76).**

Announces the revision of the written test study guides for selected testing areas which will contain representative questions and responses used in the current FAA certification tests.

**61-1E Aircraft Type Ratings (3-22-76).**

Provides designators adopted by the Federal Aviation Administration for aircraft type ratings issued with pilot certificates.

**61-2A Private Pilot (Airplane) Flight Training Guide (9-1-64).**

Contains a complete private pilot flight training syllabus which consists of 30 lessons. Reprinted in 1972. (\$2.60 GPO.) FAA 5.8/2:P 64/4/964. SN 050-011-0007-1.

**61-3C—Instrument Rating (Airplane) Written Test Guide (5-31-72).**

Reflects the current operating procedures and techniques in a background setting appropriate for applicants preparing for the subject test. (\$1.45 GPO.) TD 4.8:In 7/4/972. SN 050-007-00183-5.

**61-9B Pilot Transition Courses for Complex Single-Engine and Light, Twin-engine Airplanes (1-15-74).**

A guide to the procedures and standards to be followed for a thorough and comprehensive checkout in modern single- and twin-engine aircraft. (\$0.45 GPO.) TD 4.8:P 64/6/974. SN 050-007-00226-2.

**61-10A Private and Commercial Pilots Refresher Courses (9-27-72).**

Provides a syllabus of study requirements and describes the areas of training that should be emphasized. (\$0.55 GPO.) TD 4.408:P64/6. SN 050-011-00060-5.

**61-12G Student Pilot Guide (4-24-75).**

Provides guidance for student pilots and those already in primary flight training. Updated to include require-

ments covered in the revised Part 61. (\$0.65 GPO.) TD 4.8:P64/3/975. SN 050-007-00298-0.

**61-13A Basic Helicopter Handbook (4-5-73).**

Provides detailed information to applicants preparing for private, commercial, and flight instructor pilot certificates with a helicopter rating about helicopter aerodynamics, performance, and flight maneuvers. It will also be useful to certificated helicopter flight instructors as an aid in training students. (\$1.90 GPO.) TD 4.408:H 36/2. SN 050-011-00064-6.

**61-16A Flight Instructor's Handbook (10-14-69).**

Gives guidance and information to pilots preparing to apply for flight instructor certificates and for use as a reference by flight instructors. (\$2 GPO.) Reprinted in 1972. TD 4.408:In 7/3. SN 050-011-00031-3.

**61-18D Airline Transport Pilot (Airplane) Written Test Guide (2-14-75).**

Reflects current operating procedures and techniques in a background setting appropriate for applicants preparing for the Airline Transport Pilot (Airplane) Written Test. (\$2.05 GPO.) TD 4.8:P64/5/975. SN 050-007-00301-3.

**61-19 Safety Hazard Associated With Simulated Instrument Flights (12-4-64).**

Emphasizes the need for care in the use of any device restricting visibility while conducting simulated instrument flights that may also restrict the view of the safety pilot.

**61-21 Flight Training Handbook (1-11-66).**

Provide information and direction in the introduction and performance of training maneuvers for student pilots, pilots requalifying or preparing for additional ratings, and flight instructors. Reprinted in 1969. (\$2.10 GPO.) FAA 1.8:P 64/4. SN 050-007-0008-1.

**61-23A Pilot's Handbook of Aeronautical Knowledge (7-10-70).**

Contains essential, authoritative information used in training and guiding applicants for private pilot certification, flight instructors, and flying school staffs. (\$5.30 GPO.) TD 4.408:P 64/5. SN 050-011-00051-8.

**61-27B Instrument Flying Handbook (9-22-70).**

Provides the pilot with basic information needed to acquire an FAA instrument rating. It is designed for the reader who holds at least a private pilot certificate and is knowledgeable in all areas covered in the "Pilot's Handbook of Aeronautical Knowledge." (\$3.35 GPO.) TD 4.8:In 7/2/971. SN 050-007-00067-7.

**61-31B Gyroplane Written Test Guide, Private and Commercial (4-14-76).**

Provides guidance and assistance to applicants who are preparing for the Private or Commercial Pilot Certificate

with a Rotorcraft-Gyroplane Rating under the provisions of FAR Part 61.

**61-32A Private Pilot Written Test Guide (12-1-71).**

Provides information, guidelines, and sample test items to assist applicants for the Private Pilot Certificate in attaining necessary aeronautical knowledge. (\$2.50 GPO.) TD 4.408:P 64/971. SN 050-011-00056-9.

**61-34B Federal Aviation Regulations Written Test Guide for Private, Commercial and Military Pilots (2-10-75).**

Outlines the scope of the basic knowledge required of civilian or military pilots who are studying FARs as they pertain to the Regulations terminology; to the certification of private and commercial pilots; to the operation of aircraft in the national airspace; and to the requirements of the National Transportation Safety Board. For use as a guide in preparing for the FAR Written Test. (\$0.70 GPO.) TD 4.8:P64/975. SN 050-007-00288-2.

**61-42A Airline Transport Pilot (Helicopter) Written Test Guide (1-20-72).**

Describes the type and scope of required aeronautical knowledge covered in the written tests, lists reference materials available from GPO bookstores, and presents sample test items with answers and explanations. (\$0.70 GPO.) TD 4.408:H 36/972. SN 050-011-00057-7.

**61-43A Glider Pilot Written Test Guide—Private and Commercial (1-12-72).**

Provides information, guidelines, and sample test items, to assist applicants for the Glider Pilot certificate in attaining necessary aeronautical knowledge.

**61-45 Instrument Rating (Helicopter) Written Test Guide (1-24-68).**

Assists applicants who are preparing for the helicopter instrument rating. Presents a study outline, study materials and a sample test with answers.

**61-46 Flight Instructor Procedures (6-4-69).**

Informs flight instructors of the procedures involved in the renewal of reinstatement of Flight Instructor Certificates, qualification for "Gold Seal" certificates, and endorsing student pilot logbooks for various operations.

**61-47 Use of Approach Slope Indicators for Pilot Training (9-16-70).**

Informs pilot schools, flight instructors and student pilots of the recommendation of the Federal Aviation Administration on the use of approach slope indicator systems for pilot training.

**61-50A Airplane Flight Characteristics and Techniques Associated with Operation in the "Region of Reversed Command" (3-15-76).**

Provides the general aviation pilot with a ready reference to the basic aerodynamics involved in slow speed flight at or near minimum control speed.



**61-51 Reporting Flight Time on Pilot Applications, FAA Form 8420-3 (6-26-72).**

Advises applicants of the importance of entering their pilot flight time on subject form. (OBM No. 04-R0064.)

**61-52B Flight Instructor of the Year Award Program (1-5-74).**

Provides the details of the Flight Instructor of the Year Award Program.

**61-54A Private Pilot Airplane . . . Flight Test Guide (4-13-75).**

Contains information and guidance concerning the pilot operations, procedures, and maneuvers relevant to the airplane category with a single-engine land/sea or multiengine land/sea rating. (\$1.35 GPO.) TD 4.408:P64/2/975. SN 050-007-00390-5.

**61-55A Commercial Pilot Airplane . . . Flight Test Guide (4-25-75).**

Assists the applicant and the instructor in preparing for the flight test for certification as a commercial pilot with single engine land or sea rating and for multiengine land or sea ratings. (\$1.10 GPO.) TD 4.408:A17/7. SN 050-007-00295-5.

**61-56A Flight Test Guide, Instrument Pilot Airplane (5-7-76).**

Assists the applicant and the instructor in preparing for the flight test for the Instrument Pilot Airplane Rating. (\$0.55 GPO.) TD 4.408:IN/7/2/976. SN 050-007-00343-9.

**61-57A Type Rating, Airplane, Flight Test Guide (5-1-75).**

Contains information and guidance concerning the pilot operations, procedures, and maneuvers relevant to the flight test required for an Airplane Type Rating. (\$0.70 GPO.) TD 4.408:M91/975. SN 050-007-00299-8.

**61-58 Flight Instructor Practical Test Guide (5-1-73).**

Outlines new requirements based on changes to FAR Part 61, Certification of Pilots and Flight Instructors. (\$0.50 GPO.) TD 4.408:IN 7/5. SN 050-011-00067-4.

**61-59 Private and Commercial Pilot, Flight Test Guide (5-24-73).**

Assist the applicant and his instructor in preparing for the flight test for the Private or Commercial Pilot Rotorcraft Certificate with Helicopter Rating under Part 61 (revised). (\$0.75 GPO.) TD 4.408:H36/3. SN 050-007-00209-2.

**61-60 Private and Commercial Pilot Gyroplane, Flight Test Guide (May 1973).**

Outlines appropriate pilot operations and the minimum standards for the performance of each procedure or maneuver which will be accepted by the examiner as evidence of the pilot's competency, under Part 61 (revised). (\$0.65

GPO.) TD 4.408:G99/973. SN 050-011-00066-6.

**61-61 Private and Commercial Pilot Glider, Flight Test Guide (4-27-73).**

Assist the applicant and his instructor in preparing for the flight test for the Private and the Commercial Pilot Certificate with Glider Rating under Part 61 (revised). (\$0.70 GPO.) TD 4.408:G49. SN 050-011-00068-2.

**61-62 Private and Commercial Pilot Free Balloon . . . Flight Test Guide (June 1973).**

Assists the applicant and his instructor in preparing for the flight test for the Private Pilot or Commercial Pilot Certificate with a lighter-than-air category and free balloon class rating under Part 61 (revised).

**61-63 Flight Test Guide, Private and Commercial Pilot—Lighter-Than-Air Airship (5-23-74).**

Establishes a new concept of pilot training and certification requirements. To provide a transition to these revised requirements, Part 61 (revised) permits the applicant, for a period of 1 year after the effective date, to meet either the previous requirements for the Private Pilot Certificate as outlined in Part 61, prior to November 1, 1973.

**61-64 Flight Test Guide—Instrument Pilot Helicopter (7-23-73).**

Assists the applicant and his instructor in preparing for the flight test for the instrument Pilot Helicopter Rating under the revised Part 61 (\$0.55 GPO.) TD 4.408:H36/4. SN 050-007-00215-7.

**61-65 Part 61 (Revised) Certification: Pilot and Flight Instructors (9-5-73).**

Informs pilots and flight instructors of the changes in Part 61, revised January 23, 1973, their effects, and the standards and procedures which will be used in implementing them.

**61-66 Annual Pilot in Command Proficiency Checks (11-2-73).**

Presents material relating to annual proficiency checks required for pilots-in-command of civil aircraft type certificated for more than one required pilot crewmember, other than those operating under Parts 121, 123, 127, 133, 135, and 137.

**61-67 Hazards Associated with Spins in Airplanes Prohibited from Intentional Spinning (2-1-74).**

Informs pilots of the airworthiness standards for the type certification of small airplanes prescribed in Section 23.221 of the Federal Aviation Regulations concerning spin maneuvers.

**61-68 Flight Instructor Refresher Clinics—Scheduling, Attendance, Facilities, and Equipment (2-27-74).**

Provides guidance to sponsors regarding scheduling, required facilities and equipment, and attendance control at

Flight Instructor Refresher Clinics in which the Flight Instructor Refresher Unit (FIRU) participates.

**61-70 Flight Instructor Instrument—Airplane—Written Test Guide (3-29-74).**

Provides guidance for the applicant by outlining the scope of knowledge required for the Flight Instructor Certificate with an Instrument Airplane Rating. (\$1.65 GPO.) TD 4.8:IN 7/6. SN 050-007-00252-1.

**61-71 Commercial Pilot—Airplane—Written Test Guide (4-9-74).**

Assist applicants who are preparing for the Commercial Pilot—Airplane—Written Test based on the requirements of FAR Part 61 (revised) which became effective Nov. 1, 1973. (\$1.00 GPO.) TD 4.408:P64/4/974. SN 050-011-00070-4.

**61-72 Flight Instructor—Airplane—Written Test Guide (4-9-74).**

Assists applicants who are preparing for the Flight Instructor certificate with Airplane Rating based on the revised provisions of FAR Part 61 which became effective Nov. 1, 1973. (\$1.45 GPO.) TD 4.408:IN 7/974. SN 050-007-00251-3.

**61-73 Private and Commercial Pilot Rotorcraft—Helicopter Written Test Guide (8-3-74).**

Assists applicants who are preparing for the Private or Commercial Pilot certificate with a Rotorcraft—Helicopter rating under the provisions of FAR Part 61 (revised). (\$1.20 GPO.) TD 4.408:P64/7. SN 050-007-00265-3.

**AC 61-74 Flight Instructor Rotorcraft—Helicopter Written Test Guide (5-8-74).**

Assists applicants who are preparing for the Flight Instructor Certificate with a Rotorcraft—Helicopter Rating. (\$1.45 GPO.) TD 4.408:R74. SN 050-007-00272-5.

**AC 61-75 Flight Instructor—Glider—Written Test Guide (9-18-74).**

Assists applicants who are preparing for the Flight Instructor—Glider Written Test. (\$1.10 GPO.) TD 4.408:G 49/2. SN 050-007-00271-8.

**61-77 Airline Transport Pilot Airplane Practical Test Guide (Part 61 Revised) (4-23-74).**

Designed to assist the applicant and his instructor in preparing for the Airline Transport Pilot Certificate with an Airplane Rating under FAR Part 61 (revised). (\$0.50 GPO.) TD 4.408:A17/4/974. SN 050-007-00257-2.

**61-81 Private and Commercial Pilot—Glider—Written Test Guide (4-27-76).**

Contains a comprehensive study outline and a list of recommended study materials. Sample study questions and illustrations pertinent to the subject of glider flying are included.



**61-83 Nationally Scheduled Federal Aviation Administration (FAA)-Approved, Industry-Conducted Flight Instructor Refresher Clinics (9-3-76).**

Announces a concept pertaining to FAA-approved, industry-conducted Flight Instructor Refresher Clinics, outlines procedures for approval, and invites participation by interested industry groups.

**63-1B Flight Engineer Written Test Guide (10-22-70).**

Provides information to prospective flight engineers and others interested in this certification area. Contains information about certification requirements and describes the type and scope of the written test. Lists appropriate study and reference material and presents sample questions similar to those found in the official written tests. (\$0.85 GPO.) TD 4.8:En 3/971. SN 050-007-00164-9.

**63-2A Flight Navigator Written Test Guide (4-4-69).**

Defines the scope and narrows the field of study to the basic knowledge required for the Flight Navigator Certificate. Published in 1969. (\$0.70 GPO.) TD 4.8:F 64/2. SN 050-007-00064-2.

**65-2D Airframe and Powerplant Mechanics Certification Guide (1-30-76).**

Provides information to prospective airframe and powerplant mechanics and other persons interested in FAA certification of aviation mechanics. (\$1.30 GPO.) TD 4.8A1 7/6/976. SN 050-007-00331-5.

**65-4B Aircraft Dispatcher Written Test Guide (7-25-72).**

Describes the type and scope of aeronautical knowledge covered by the aircraft dispatcher written examination, lists reference materials, and presents sample questions. (\$1.40 GPO.) TD 4.08:A1 7/6. SN 050-007-00190-8.

**65-5A Parachute Rigger—Senior/Master—Certification Guide (12-20-74).**

Provides information on how to apply for a parachute rigger certificate or rating and assists the applicant in preparing for the written, oral, and practical tests. (\$0.75 GPO.) TD 4.408:P21. SN 050-007-00287-4.

**65-9 Airframe and Powerplant Mechanics—General Handbook (8-26-70).**  
(Out of print. Being revised.)

Designed as a study manual for persons preparing for a mechanic certificate with airframe or powerplant ratings. Emphasis in this volume is on theory and methods of application, and is intended to provide basic information on principles, fundamentals, and airframe and powerplant ratings. Reprinted in 1973. (\$6 GPO.) TD 4.408:A1 7/2. SN 050-011-0052-6.

**65-11A Airframe and Powerplant Mechanics Certification Information (4-21-71).**

Provides answers to questions most frequently asked about Federal Aviation Administration certification of aviation mechanics. (\$0.40 GPO.) TD 4.8:A1 7/21/971. SN 050-007-00171-1.

**65-12 Airframe and Powerplant Mechanics Powerplant Handbook (9-25-70).**

Designed to familiarize student mechanics with the construction, theory of operation, and maintenance of aircraft powerplants. Reprinted in 1973. (\$6.05 GPO.) TD 4.408:A1 7/3. SN 050-007-00157-6.

**65-13B FAA Inspection Authorization Directory (11-26-76).**

Provides a new directory of all FAA certificated mechanics who hold an inspection authorization as of July 31, 1976.

**65-15 Airframe and Powerplant Mechanics Airframe Handbook (9-18-72).**

Designed to familiarize student mechanics with airframe construction, repair, and the operating theory of airframe systems. Reprinted in 1973. (\$5.05 GPO.) TD 4.408:A1 7/5. SN 050-007-00174-6.

**65-18 Report Availability of a Survey of the Aviation Mechanics Occupation (9-4-74).**

Announces the public availability of the 1974 report on a Survey of the Aviation Mechanics Occupation.

**65-19A Inspection Authorization Study Guide (11-17-76).**

Provides guidance for persons who conduct annual and progressive inspections and approve major repairs and/or alternations of aircraft. It stresses the importance that certificated mechanics, holding IA's, have in air safety. Primarily intended for mechanics who hold or are preparing to take the test for an inspection authorization. (\$0.65 GPO.) SN 050-007-00332-3.

**67-1 Medical Information for Air Ambulance Operators (3-4-74).**

Provides persons or groups interested or involved in civil air ambulance activities with information governing the transport of patients by air.

**67-2 Medical Handbook for Pilots (5-15-74).**

An aviation medicine handbook written in pilots language that provides guidance on when, and when not, to fly. Emphasizes the fact that, to be a good pilot, you must be physically fit, psychologically sound, and well trained. Designed to complement the Pilots Handbook of Aeronautical Knowledge. (\$1.45 GPO.) TD 4.8:M46/3. SN 050-007-00254-8.

**Airspace**

**SUBJECT No. 70**

**70-2A Airspace Utilization Considerations in the Proposed Construction, Alteration, Activation and Deactivation of Airports (12-26-76).**

Advises those persons proposing to construct, alter, activate or deactivate a civil or joint-use (civil/military) airport, for which Federal aid has not been requested of the Federal Aviation Administration.

**70/7460-1E Obstruction Marking and Lighting (11-1-76).**

Describes FAA standards on obstruction marking and lighting and establishes the methods, procedures, and equipment types for both aviation red and high-intensity white obstruction lights.

**70/7460-2E Proposed Construction or Alteration of Objects that may Affect the Navigable Airspace (7-5-73).**

Advises those persons proposing to erect or alter an object that may affect the navigable airspace of the requirement to submit a notice to the Administrator of the Federal Aviation Administration (FAA).

**70/7460-3 Petitioning the Administrator for Discretionary Review; Section 77.37, FAR (8-8-68).**

Revises and updates information concerning the submission of petitions to the Administrator for review, extension, or revision of determinations issued by regional directors or their designees.

**73-1 Establishment of Alert Areas (3-11-68).**

Announces the establishment of alert areas and sets forth the procedures which FAA will follow in establishing such areas.

**Air Traffic Control and General Operations**  
**SUBJECT No. 90**

**90-1A Civil Use of U.S. Government Produced Instrument Approach Charts (4-10-68).**

Clarifies landing minimums requirements and revises instrument approach charts.

**90-5 Coordination of Air Traffic Control Procedures and Criteria (6-13-63).**

States Air Traffic Service policy respecting coordination of air traffic procedures and criteria with outside agencies and/or organizations.

**90-12B Severe Weather Avoidance (6-18-76).**

Warns all pilots concerning flight in the vicinity of known or forecasted severe weather, severe turbulence and hail and advises them that air traffic control facilities, even though equipped with radar, might not always have the capability nor be in a position to provide



assistance for circumnavigation of areas of severe weather.

**90-14A Altitude—Temperature Effect on Aircraft Performance (1-26-68).**

Introduces the Denalt Performance Computer and reemphasizes the hazardous effects density altitude can have on aircraft.

**90-23D Wake Turbulence (12-15-72).**

Alerts pilots to the hazards of aircraft trailing vortex wake turbulence and recommends related operational procedures.

**90-34 Accidents Resulting from Wheelbarrowing in Tricycle Gear Equipped Aircraft (2-27-68).**

Explains "wheelbarrowing", the circumstances under which it is likely to occur, and recommended corrective action.

**90-42A Traffic Advisory Practices at Nontower Airports (8-16-72).**

Establishes, as good operating practices, procedures for pilots to be apprised of or exchange traffic information, when approaching or departing uncontrolled airports.

**90-43C Operations Reservations for High-Density Traffic Airports (11-14-71).**

Advises the aviation community of the means for all aircraft operators, except helicopters, scheduled and supplemental air carriers and scheduled air taxis, to obtain a reservation to operate to and/or from designated high-density traffic airports.

**AC 90-45A Approval of Area Navigation Systems for Use in the U.S. National Airspace System (2-21-75).**

Provides guidelines for implementation of two-dimensional area navigation (2D RNAV) within the U.S. National Airspace System (NAS). Provides for both VOR/DME dependent systems and self-contained systems such as Inertial Navigation Systems (INS).

**90-45A Ch 1 (9-15-75).**

**90-45A Ch 2 (7-22-76).**

**90-48 Pilots' Role in Collision Avoidance (3-20-70).**

Alerts all pilots to the midair collision and near midair collision hazard and to emphasize those basic problem areas of concern, as related to the human casual factors, where improvements in pilot education, operating practices, procedures, and techniques are needed to reduce midair conflicts.

**AC 90-50A VHF Radio Frequency Assignment Plan for Aeronautical Operations (2-7-75).**

Describes the civil air traffic control assignment of frequencies in the very high frequency (118-136 MHz) band.

**90-54A Cruise Clearances (11-27-73).**

Provides the aviation community guidance when operating under a "cruise" clearance.

**90-58C VOR Course Errors Resulting from 50 kHz Channel Selection (4-7-75).**

Provides information concerning a potentially hazardous situation when a 200 channel VOR receiver is inadvertently mistuned by 50 kHz from the frequency of a 100 kHz ground station.

**90-59 Arrival and Departure Handling of High-Performance Aircraft (2-28-72).**

Describes ATC handling of high-performance aircraft in terminal areas.

**90-60 Weather Observation Reporting Obscured or Partially Obscured Sky Condition (3-31-72).**

Provides pilots with information concerning weather conditions reported by weather observers as obscuration or partial obscuration.

**90-62 Flying DME Arcs (1-23-73).**

Describes the procedures and techniques for intercepting DME arcs from radials, maintaining DME arcs, and intercepting radials and localizers from DME arcs.

**90-64 Automated Radar Terminal System (ARTS) III (6-22-73).**

Advises the aviation community of the capabilities of the Automated Radar Terminal System and the associated services provided by ARTS III equipped air traffic control facilities.

**90-65 Air Traffic Fuel Economy Program (1-18-74).**

Advises the aviation community of flow control procedures that will be utilized to conserve aviation fuel during periods when the normal movement of aircraft is disrupted. Also describes actions required of user groups to ensure efficient flow control planning.

**AC 90-66 Recommended Standard Traffic Patterns for Airplane Operations at Uncontrolled Airports (2-27-75).**

Calls attention to regulatory requirements for the operations of airplanes at uncontrolled airports. Recommends voluntary use of standard traffic pattern flight procedures.

**90-67 Light Signals from the Control Tower for Ground Vehicles, Equipment, and Personnel (8-15-75).**

Provides the aviation community with the meaning of the light signals used when communicating with ground vehicles, equipment, and personnel on the airport movement area from the control tower.

**90-68 Minimum Vectoring Altitudes (MVA) (10-29-75).**

Explains why and how Minimum Vectoring Altitudes are established.

**90-70 Straight-In Nonprecision Instrument Approach Procedures Visual Descent Point (VDP) (7-7-76).**

Describes the concept, purpose, and use of a designated and published VDP to be provided on some straight-in non-

precision instrument approach procedures.

**90-71 Experimental Profile Descent Procedures/Charts (11-22-76).**

Provides the aviation community with advance information on experimental Profile Descent procedures and charts that will be published for use at Stapleton International Airport.

**90-72 Minimum Safe Altitude Warning (MSAW) (11-30-76).**

Describes the capabilities and limitations of the MSAW function being implemented at terminal facilities equipped with ARTS III.

**91-5B Waivers of Subpart B, Part 91 of the Federal Aviation Regulations (FARs) (1-28-72).**

Provides information concerning the submission of applications for and the issuance of waivers of Subpart B, FAR Part 91.

**91-6 Water, Slush, and Snow on the Runway (1-21-65).**

Provides background and guidelines concerning the operation of turbojet aircraft with water, slush, and/or snow on the runway.

**91-8A Use of Oxygen by General Aviation Pilots/Passengers (8-11-70).**

Provides general aviation personnel with information concerning the use of oxygen.

**91-9 Potential Hazards Associated With Turbojet Ground Operations (6-19-65).**

Alerts turbojet operators and flight crews to potential hazards involving turbojet operations at airports.

**91-11A Annual Inspection Reminder (12-3-69).**

Provides the aviation community with a uniform visual reminder of the date an annual inspection becomes due. (Reference section 91.169(a) (1) of the FAR's.)

**91.11-1 Guide to Drug Hazards in Aviation Medicine (7-19-63).**

Lists all commonly used drugs by pharmacological effect on airmen with side effects and recommendations. Reprinted 1970. (\$1.15 GPO.) FAA 7.9:D 84. SN 050-009-00001-7.

**91-13A Cold weather Operation of Aircraft (1-2-70).**

Provides background and guidelines relating to operation of aircraft in the colder climates where wide temperature changes may occur.

**91-14B Altimeter Setting Sources (10-1-71).**

Provides the aviation public, industry, and FAA field personnel with guidelines for setting up reliable altimeter setting sources.

**91-15 Terrain Flying (2-2-67).**

A pocket-size booklet designed as a tool for the average private pilot. Contains a composite picture of the observa-



tions, opinions, warnings, and advice from veteran pilots who have flown this vast land of ours that can help to make flying more pleasant and safer. Tips on flying into Mexico, Canada, and Alaska. (\$1.40 GOP.) TD 4.2:T27. SN 050-007-00147-9.

**91-16 Category II Operations—General Aviation Airplanes (8-7-67).**

Sets forth acceptable means by which Category II operations may be approved in accordance with FAR Parts 23, 25, 61, 91, 97, and 135.

**91-17 The Use of View Limiting Devices on Aircraft (2-20-68).**

Alerts pilots to the continuing need to make judicious and cautious use of all view limiting devices on aircraft.

**91-22A Altitude Alerting Devices/Systems (12-23-71).**

Provides guidelines for designing, installing, and evaluating altitude alerting systems.

**91-23 Pilot's Weight and Balance Handbook (5-6-69).**

Provides an easily understood text on aircraft weight and balance for pilots who need to appreciate the importance of weight and balance control for safety of flight. Progresses from an explanation of basic fundamentals to the complete application of weight and balance principles in large aircraft operations. Reprinted in 1972 (\$1.25 GPO.) TD 4.408:P 64/3. SN 050-011-00049-6.

**91-24 Aircraft Hydroplaning or Aquaplaning on Wet Runways (9-4-69).**

Provides information to the problem of aircraft tires hydroplaning on wet runways.

**91-25A Loss of Visual Cues During Low Visibility Landings (6-22-72).**

Provides information concerning the importance of maintaining adequate visual cues during the descent below MDA or DA.

**91-26 Maintenance and Handling of Air-Driven Gyroscopic Instruments (10-29-69).**

Advises operators of general aviation aircraft of the need for proper maintenance of air-driven gyroscopic instruments and associated air filters.

**91-27A Systemworthiness Analysis Program—General Aviation (12-16-70).**

Explains the purpose and applicability of the Systems Worthiness Analysis Program (SWAP) to certificated air taxis, repair stations, pilot and aviation maintenance technician schools that are operated under the privileges of certificates issued by the Federal Aviation Administration.

**91-28 Unexpected Opening of Cabin Doors (12-23-69).**

Outlines the importance of assuring that cabin doors are properly closed prior to takeoff.

**91-32 Safety in and Around Helicopters (5-7-71).**

Provides suggestions to improve helicopter safety by means of acquainting nonflight crew personnel and passengers with the precautions and procedures necessary to avoid undue hazards.

**91-33 Use of Alternate Grades of Aviation Gasoline for Grade 80/87 (10-6-71).**

Provides information relating to the use of alternate grades of aviation gasoline when grade 80/87 is not available, and the resultant effects of the use of the alternate fuels which may have higher TEL (tetraethyl lead) content.

**91-34 Model Aircraft Operating Standards (7-1-72).**

Outlines safety standards for operators of model aircraft, and encourages voluntary compliance with these standards.

**91-35 Noise, Hearing Damage, and Fatigue in General Aviation Pilots (3-28-72).**

Aquaints pilots with the hazards of regular exposure to cockpit noise. Especially pertinent are piston-engine, fixed-wing, and rotary-wing aircraft.

**91-36A VFR Flight Near Noise-Sensitive Areas (7-9-74).**

Encourages pilots making VFR flights near noise-sensitive areas to fly at altitudes higher than the minimum permitted by regulation. National Park areas now included.

**91-37 Truth in Leasing (11-9-72).**

Provides information and guidance for leasees and conditional buyers of U.S. registered large civil aircraft.

**91-38 Large and Turbine-Powered Multiengine Airplanes, Part 91, Subpart D (12-13-72).**

Sets forth guidelines and procedures to assist operators of large and turbine-powered multiengine airplanes in meeting the safety requirements of FAR, Part 91, Subpart D.

**91-39 Recommended Noise Abatement Takeoff and Departure Procedure for Civil Turbojet Powered Airplanes (1-18-74).**

Illustrates the recommended noise abatement takeoff and departure procedure for civil turbojet powered airplanes.

**91-40 Terminal Control Area (TCA) Radar Outage (1-17-74).**

Explains the service that will be provided by Air Traffic Control to aircraft in a terminal control area when a radar outage occurs.

**91-41 Ground Operational Procedures for Aircraft Engine Emission Reduction and Fuel Conservation (3-12-74).**

Recommends ground operational procedures that will minimize air pollution from aircraft ground operations and conserve fuel.

**AC 91-42A Hazards of Rotating Propellers and Helicopter Rotor Blades (10-19-76).**

Provides information on propeller- and rotor-to-person accidents and offers suggestions to reduce the frequency of their occurrence.

**AC 91-43 Unreliable Airspeed Indications (6-26-75).**

Alerts pilots to the possibility of erroneous airspeed/Mach indications that may be caused by blocking or freezing of the pitot system and advises of corrective action that can be taken.

**91-44 Emergency Locator Transmitters Operational and Maintenance Practices (2-20-76).**

Provides guidelines relative to the installation, maintenance, and operation of emergency locator transmitters.

**91-45 Airshow Waivers (6-10-76).**

The purpose of this advisory circular is to provide prospective airshow sponsors with the information necessary to plan for and conduct safe, effective airshows. It is also intended to provide information pertaining to the procedures and requirements for issuance of airshow waivers.

**91.29-1 Special Structural Inspections (1-8-68).**

Discusses occurrences which may cause structural damage affecting the airworthiness of aircraft.

**91.79-1 Waivers of Section 91.79 of the Federal Aviation Regulations (4-21-76).**

Announces the availability of waivers relating to FAR 91.79 and requests that interested persons contact any General Aviation District Office or Flight Standards District Office for specific information.

**91.83-1A Canceling or Closing Flight Plans (3-25-75).**

Outlines the need for canceling or closing flight plans promptly to avoid costly search and rescue operations.

**91.83-2 IFR Flight Plan Route Information (2-16-66).**

Clarifies the air traffic control needs for the filing of route information in an IFR (Instrument Flight Rules) flight plan.

**95-1 Airway and Route Obstruction Clearance (6-17-65).**

Advises all interested persons of the airspace areas within which obstruction clearance is considered in the establishment of Minimum En Route Instrument Altitudes (MEA's) for publication in FAR Part 95.

**97-1 Runway Visual Range (RVR) (11-4-76).**

Describes RVR measuring equipment and its operating use.



**99-1 Security Control of Air Traffic (1-12-72).**

Provides civil aviation with recommended practices for operating aircraft within or penetrating an Air Defense Identification Zone (ADIZ).

**101-1 Waivers of Part 101, Federal Aviation Regulations (1-13-64).**

Provides information on submission of applications and issuances of waivers to FAR Part 101.

**103-2 Information Guide for Air Carrier Handling of Radioactive Materials (7-23-70).**

Acquaints air carrier industry and in particular, air freight handling personnel, with the essential requirements and practical application of the various regulations pertaining to the handling and transportation of radioactive materials.

**103-4 Hazard Associated with Sublimation of Solid Carbon Dioxide (Dry Ice) Aboard Aircraft (5-1-74).**

Discusses the potential hazard associated with the sublimation of dry ice aboard aircraft. Precautionary measures and simple rules of thumb are indicated in order to preclude environmentally hazardous conditions affecting crews and passengers aboard aircraft.

**103-5 Preparation and Loading of Magnetron Tubes and Magnetic Materials for Air Shipments (7-16-74).**

Provides information relevant to the preparation and loading of magnetron tubes and magnetic materials for shipment in civil aircraft.

**105-2 Sport Parachute Jumping (9-6-68).**

Provides suggestions to improve sport parachuting safety; information to assist parachutists in complying with FAR Part 105; and a list of aircraft which may be operated with one cabin door removed, including the procedures for obtaining FAA authorization for door removal.

**107-1 Aviation Security—Airports (5-19-72).**

Furnishes guidance to those individuals and organizations having responsibilities under Part 107 of the Federal Aviation Regulations. It also provides recommendations for establishing and improving security for restricted or critical facilities and areas the security of which is not dealt with in Part 107.

**Air Carrier and Commercial Operators and Helicopters**

SUBJECT NO. 120

**120-2A Precautionary Propeller Feathering To Prevent Runaway Propellers (8-20-63).**

Emphasizes the need for prompt feathering when there is an indication of internal engine failure.

**120-5 High Altitude Operations in Areas of Turbulence (8-26-63).**

Recommends procedures for use by jet pilots when penetrating areas of severe turbulence.

**120-7A Minimum Altitudes for Conducting Certain Emergency Flight Training Maneuvers and Procedures (7-27-70).**

Issued to emphasize to all air carriers and other operators of large aircraft the necessity for establishing minimum altitudes above the terrain or water when conducting certain simulated emergency flight training maneuvers.

**120-12 Private Carriage Versus Common Carriage by Commercial Operators Using Large Aircraft (6-24-64).**

Provides guidelines for determining whether current or proposed transportation operations by air constitute private or common carriage.

**120-13 Jet Transport Aircraft Altitude Instrument Systems (6-26-64).**

Provides information about the characteristics of some altitude instrument systems presently installed in some jet transport aircraft.

**120-16A Continuous Airworthiness Program (9-11-69).**

Provides air carriers and commercial operators with guidance and information pertinent to certain provisions of Federal Aviation Regulations Parts 121 and 127.

**120-17 Handbook for Maintenance Control by Reliability Methods (12-31-64).**

Provides information and guidance materials which may be used to design or develop maintenance reliability programs which include a standard for determining the time limitations.

**120-17 CH1 (6-24-66).****120-17 CH2 (5-6-68).****120-26D Civil Aircraft Operator Designators (11-11-76).**

Revises the criteria and states the procedures for the assignment of International Civil Aviation Organization two-letter and FAA three-letter aircraft company designators.

**120-27 Aircraft Weight and Balance Control (10-15-68).**

Provides a method and procedures for weight and balance control.

**120-27 CH1 (11-20-73).**

Adds Part 123 to subject circular.

**120-28A Criteria for Approval of Category IIIa Landing Weather Minima (12-14-71).**

States an acceptable means, not the only means, for obtaining approval of Category IIIa minima and the installation approval of the associated airborne systems.

**120-28A CH1 (1-18-73).**

Revises the CAT IIIa Landing Weather Minima maintenance requirements of paragraph 8 to make them consistent with the requirements for CAT IIa.

**120-29 Criteria for Approving Category I and Category II Landing Minima for FAR 121 Operators (9-25-70).**

Sets forth criteria used by FAA in approving turbojet landing minima of less than 300-3/4 or RVR 4,000 (Category I) and Category II minima for all aircraft.

**120-29 CH1 (12-15-71).**

Revises Appendix 1 and deletes statement in Appendix 2 regarding 19-foot criteria (does not apply when using an approved automatic landing system).

**120-29 CH2 (7-26-72).**

Clarifies the airborne system evaluation by stressing the necessity for meeting maintenance program requirements.

**120-29 CH3 (12-3-74).**

Outlines the recent change in FAR Part 121 wherein both initial and recurrent pilot qualification for both Category I and II proficiency checks may be performed in a visual simulator.

**120-30A Reporting Requirements of Air Carriers, Commercial Operators, Travel Clubs, and Air Taxi Operators of Large and Small Aircraft (9-8-76).**

This advisory circular is issued to clarify the mechanical reliability reporting requirements contained in Parts 121, 127, and 135 of the Federal Aviation Regulations (FAR) and the accident and incident reporting requirements of Part 830 (old Part 430) of the National Transportation Safety Board (NTSB), Safety Investigation Regulations.

**120-31 Operational and Airworthiness Approval of Airborne Omega Radio Navigation Systems as a Means of Updating Self-Contained Navigation Systems (12-15-76).**

Sets forth an acceptable means, but not the only means, of compliance with the referenced sections of FAR Parts 121 and 25 for operations outside the U.S. using Omega radio navigation systems; to update self-contained systems such as Doppler or Inertial.

**121-1A Standard Operations Specifications—Aircraft Maintenance Handbook (6-26-73).**

Provides procedures acceptable to the Federal Aviation Administration which may be used by operators when establishing inspection intervals and overhaul times.

**121-1A CH1 (1-23-75).**

Updates the overhaul and inspection/check period of selected airframes, powerplants, propellers, and appliances in relation to current industry standards.

**121-1A CH2 (8-19-76).****121-3Q Maintenance Review Board Reports (9-3-76).**

Revises the list of Maintenance Review Board Reports that are currently in effect.

**121-6 Portable Battery-Powered Megaphones (1-5-66).**

Sets forth an acceptable means for complying with rules (applicable to vari-



ous persons operating under Part 121 of the Federal Aviation Regulations) that prescribe the installation of approved megaphones.

**121-12 Wet or Slippery Runways (8-17-67).**

Provides uniform guidelines in the application of the "wet runway" rule by certificate holders operating under FAR 121.

**121-13 Self-Contained Navigation Systems (Long Range) (10-14-69).**

States an acceptable means, not the only means, of compliance with the referenced sections of the FAR as they apply to persons operating under Parts 121 or 123 who desire approval of Doppler RADAR navigation systems or Inertial Navigation Systems (INS) for use in their operations.

**121-13 CH 1 (7-31-70).**

Assures standardization of the Minimum Equipment List (MEL) with respect to Inertial Navigation Systems (INS) through the appropriate Flight Operations Evaluation Board (FOEB).

**121-13 CH 2 (12-21-70).**

Permits all flight training for Doppler and INS qualification, to be completed in a simulator or training device approved for conducting the required pilot training and qualifications in the use of these systems.

**121-14A Aircraft Simulator Evaluation and Approval (2-9-76).**

Sets forth one means that would be acceptable to the Administrator for approval of aircraft simulators or other training devices requiring approval under FAR 121.407.

**121-16 Maintenance Certification Procedures (11-9-70).**

Provides guidance for the preparation of an Operations Specification—Preface Page which will afford nominal and reasonable relief from approved service and overhaul time limits when a part is borrowed from another operator.

**121-17 Aviation Security: Certain Air Carriers and Commercial Operators—Security Programs and Other Requirements (3-14-72).**

Provides general information regarding the requirements of FAR Amdt. 121-85.

**121-18 Aviation Security—Carriage of Weapons and Escorted Persons (7-15-75).**

Provides information and guidance for the implementation of amendments to FAR Part 121 regarding the carriage of weapons on aircraft and for the carriage of persons in the custody of law enforcement officers.

**121-19 Aviation Security—Property Acceptance and Handling Procedures—Indirect Air Carriers (3-17-76).**

Provides information and guidance which may be used by "indirect air carriers" when providing property to be carried by "direct air carriers" or by the operator of any civil aircraft for transportation in air commerce.

**121-20 Aviation Security: Supplemental Air Carriers (3-17-76).**

Provides supplemental air carriers with information concerning recommended general security measures applicable to charter operations that should minimize the effects of crimes directed against air transportation.

**121-21 Information Guide for Training Programs and Manual Requirements in the Air Transportation of Hazardous Materials (7-30-76).**

Provides certificate holders under Parts 121 and 135 of the FARs with information relevant to recent amendment Docket HM-112 that incorporated FAR Part 103 into Title 49 of the CFR as Part 175. Outlines some of the substantive changes in the requirements for air transportation of hazardous materials.

**121.195(d)-1 Alternate Operational Landing Distances for Wet Runways; Turbojet Powered Transport Category Airplanes (11-19-65).**

Sets forth an acceptable means, but not the only means, by which the alternate provision of section 121.195(d) may be met.

**123-1 Air Travel Clubs (10-17-68).**

Sets forth guidelines and procedures to assist air travel clubs using large aircraft in meeting safety requirements of FAR Part 123.

**129-1 Foreign Air Carriers—Security Programs and Other Requirements—FAR Part 129 (9-25-75).**

Provides guidance to foreign air carriers concerning the requirements of FAR Part 129, Sections 129.25 and 129.27.

**135.144-1 Small Propeller-Driven Air Taxi Airplanes That Meet Section 135.144 (4-13-72).**

Provides a summary of and information on small propeller-driven air taxi airplanes that comply with section 135.144 and may continue operations under FAR Part 135 after May 31, 1972, with 10 or more passenger seats.

**135.155-1 Alternate Static Source for Altimeters and Airspeed and Vertical Speed Indicators (2-16-65).**

Sets forth an acceptable means of compliance with provision in FAR Part 135 and Part 23 dealing with alternate static sources.

**135-1B Air Taxi Aircraft Weight and Balance Control (1-19-76).**

Provides a method and procedures for developing a weight and balance control system for small aircraft operating in the air taxi fleet under FAR Part 135.

**135-2A Air Taxi Operators of Large Aircraft (11-16-73).**

Provides guidelines for use by air taxi operators or applicants who desire to obtain authorization to operate large aircraft (more than 12,500 pounds maximum certificated takeoff weight) in air taxi operations.

**135-3A Air Taxi Operators and Commercial Operators of Small Aircraft (1-16-75).**

Sets forth guidelines and procedures to assist persons in complying with the

requirements of Federal Aviation Regulations, Part 135.

**135-4A Aviation Security: Air Taxi Commercial Operators (ATCO) 4-15-76).**

Provides recommended security measures applicable to ATCO operations that should minimize the effects of crimes directed against air transportation.

**135-5A Maintenance Program Approval for Carry-On Oxygen Equipment for Medical Purposes (11-23-76).**

Provides a means whereby air taxi operators may submit a maintenance program to comply with FAR Part 135, Section 135.114.

**137-1 Agricultural Aircraft Operations (11-29-65).**

Explains and clarifies the requirements of FAR Part 137 and provides additional information, not regulatory in nature, which will assist interested persons in understanding the operating privileges and limitations of this Part.

**139.12-1 Airport Operations Specifications (2-3-75).**

Presents guidelines to assist airport operators in developing airport operations specifications in compliance with the requirements of amended FAR Part 139.

**139.49-1 Programs for Training of Fire Fighting and Rescue Personnel (11-12-74).**

Outlines suggested training programs for airport fire fighting and rescue personnel involved in operating airport fire fighting and rescue equipment and the principles of aircraft fire fighting and rescue techniques.

**Schools and Other Certificated Agencies**

SUBJECT NO. 140

**140-1H Consolidated Listing of FAA Certificated Repair Stations (2-9-76).**

Provides a revised directory of all FAA certificated repair stations as of December 31, 1975.

**140-2J List of Certificated Pilot Schools (6-27-75).**

Provides a list of FAA certificated pilot flight and ground schools as of July 1975.

**140-3B Approval of Pilot Training Courses Under Subpart D of Part 141 of the FAR (1-8-70).**

The title is self-explanatory.

**140-5 Radio Maintenance Technician School Curriculum (3-11-71).**

Provides information on curriculum subjects for persons desiring to establish radio maintenance technician training courses.

**141-1 Pilot School Certification (8-29-74).**

Sets forth guidelines to assist persons in obtaining a pilot school certificate and associated ratings under FAR Part 141 (revised).



**141-2A Written Tests Prepared by Pilot Schools With Examining Authority Under Part 141 (Revised) of the Federal Aviation Regulations (10-3-75).**

Provides guidance to FAR Part 141 Pilot Schools with examining authority in developing final written tests for FAA certificates and ratings which are equal in scope, depth, and difficulty to comparable written tests prescribed by the Administrator. Also prescribes procedures for administering, maintaining security of, and replacing those tests.

**143-1D Ground Instructor Written Test Guide—Basic & Advanced (4-18-74).**

Outlines the scope of basic knowledge requirements for a ground instructor; outlines source material to obtain this knowledge; presents a sample test with answers and explanations. (\$2.25 GPO.) TD 4.408:G91/974. SN 050-007-00284-0.

**143-2B Ground Instructor—Instrument—Written Test Guide (6-25-70).**

Provides information to applicants for the instrument ground instructor rating about the subject areas covered in the examination and illustrated by a study outline, a list of study materials, and a sample examination with answers. (\$1.30 GPO.) TD 4.8:G 91/971. SN 050-007-00066-9.

**145-2 Repair Station Limited Ratings Beech 18 Series Aircraft (4-21-76).**

Advises of a required limited repair station rating to perform X-ray inspection of the Beech 18 wing and center section spar, and of the procedures for application.

**145.101-1A Application for Air Agency Certificate—Manufacturer's Maintenance Facility (3-10-69).**

Explains how to obtain a repair station certificate.

**147-2Q Directory of FAA Certificated Aviation Maintenance Technician Schools (11-26-76).**

Provides a revised directory of all FAA certificated aviation maintenance technician schools as of February 5, 1976.

**147-3 Phase III, A National Study of the Aviation Mechanics Occupation (3-22-71).**

Announces the availability for purchase by the public of a reprint of a report of Phase III, A National Study of the Aviation Mechanics Occupation.

**147-4 Reports Availability of a Survey of Text Materials Used in Aviation Maintenance Technician Schools (9-3-74).**

Announces the public availability of the 1974 report on A Survey of Test Materials Used in Aviation Maintenance Technician Schools.

**149-2H Listing of Federal Aviation Administration Certificated Parachute Lofts (5-10-76).**

Provides a revised listing of all FAA certificated parachute lofts as of Jan. 31, 1976.

**Airports**

SUBJECT NO. 150

AIRPORT PLANNING

**150/5000-1 Cancellation of Obsolete Publications Issued by Standards Division, Airports Service (4-17-70).**

Cancel outstanding airport engineering data sheets, technical standard orders, airport engineering bulletins, and miscellaneous publications that are no longer current and to direct the reader to a new source of information, where applicable.

**150/5000-3C Address List for Regional Airports Divisions and Airport District Offices (12-9-75).**

Transmits the address list for all regional Airports Divisions and Airport District Offices.

**150/5000-3C CH 1 (9-9-76).**

Transmits corrected addresses and telephone numbers.

**150/5050-2 Compatible Land Use Planning in the Vicinity of Airports (4-13-67).**

Advises Federal Aviation Administration personnel, local government officials and the public of the availability of the following two reports prepared under the auspices of the FAA by the firm of Transportation Consultants, Inc. *Compatible Land Use Planning On and Around Airports, and Aids Available for Compatible Land Use Planning Around Airports.*

**150/5050-3A Planning the State Airport System (June 1972).**

Provides general guidance in preparing a State airport system plan. (\$2.50 GPO.) TD 4.8:A1 7/29. SN 050-007-00184-3.

**150/5050-4 Citizen Participation in Airport Planning (9-26-75).**

Provides guidance for citizen involvement in airport planning. Although not mandatory for airport grant programs, it demonstrates the need for early citizen participation.

**150/5050-5 The Continuous Airport System Planning Process (11-28-75).**

The purpose of this advisory circular is to provide guidance on the Continuous Airport System Planning Process (CASPP). This process is utilized in establishing a planning capability to monitor and assess the effects of changes in the many variables and issues influencing a plan with the objective of maintaining a plan responsive to current and forecast conditions. In addition to describing the components of a CASPP, sponsor organizational structures and Federal financial participation in continuous planning activities are discussed.

**150/5060-1A Airport Capacity Criteria Used in Preparing the National Airport Plan (7-8-68).**

Presents the method used by the Federal Aviation Administration for determining when additional runways, taxiways, and aprons should be recommended in the National Airport Plan. The material is also useful to sponsors and engineers in developing Airport

Layout Plans and for determining when additional airport pavement facilities should be provided to increase aircraft accommodation capacity at airports.

**150/5060-3A Airport Capacity Criteria Used in Long-Range Planning (12-24-69).**

Describes the method used by the Federal Aviation Administration for determining the approximate practical hourly and practical annual capacities of various airport runway configurations and is used in long-range (10 years or more) planning for expansion of existing airports and construction of new airports to accommodate forecast demand.

**150/5070-3 Planning the Airport Industrial Park (9-30-65).**

Provides guidance to communities, airport boards, and industrial developers for the planning and development of Airport Industrial Parks.

**150/5070-5 Planning the Metropolitan Airport System (5-22-70).**

Gives guidance in developing airport-system plans for large metropolitan areas. It may be used by metropolitan planning agencies and their consultants in preparing such system plans and by the FAA in reviewing same. (\$1.65 GPO.) TD 4.108:M56. SN 050-008-00003-7.

**150/5070-6 Airport Master Plans (2-5-71).**

Provides guidance for the preparation of individual airport master plans as provided for under the Airport Airway Development Act of 1970. (\$3.00 GPO.) TD 4.108:P69. SN 050-008-00004-5.

**150/5090-2 National Airport Classification System (Airport System Planning) (6-25-71).**

Sets forth the new national airport classification system. The system is designed for use in the identification and classification of airports within the National System of Airports and for use as a planning tool in long-range airport system planning.

**FEDERAL-AID AIRPORT PROGRAMS**

**150/5100-3A Federal-aid Airport Program—Procedures Guide for Sponsors (9-20-68).**

Provides guidance to public agencies that sponsor or propose to sponsor projects under the Federal-aid Airport Program (FAAP) authorized by the Federal Airport Act.

**150/5100-3A CHI (11-28-69).**

Transmits revised pages to subject advisory circular.

**150/5100-5 Land Acquisition in the Federal-aid Airport Program (1-30-69).**

Provides general information to sponsors of airport development projects under the Federal-aid Airport Program on the eligibility of land acquisition and extent of Federal participation in land acquisition costs.

**150/5100-6A Labor Requirements for Airport Development Aid Program (ADAP) Contracts (1-31-73).**

Covers the basic labor requirements for the Airport Development Aid Program.



**150/5100-6A CH 1 (3-16-73).**

Transmits a revision to delete page 3-1 from subject Advisory Circular.

**150/5100-7A Requirement for Public Hearing in the Airport Development Aid Program (2-25-72).**

Provides guidance to sponsors of airport development projects under the Airport Development Aid Program (ADAP) on the necessity for and conduct of public hearings.

**150/5100-8 Request for Aid; Displaced Persons; Public Hearings; Environmental Considerations; Opposition to the Project (1-19-71).**

Provides general guidance on the information and coordination required in support of a request for aid for an airport development project under the Airport and Airway Development Act of 1970.

**150/5100-9 Engineering Services Under the Airport Development Aid Program (ADAP) (7-1-72).**

Provides guidance for airport sponsors and Federal Aviation Administration offices in the definition, selection, review, and approval of engineering services used under subject program.

**150/5100-9 CH 1 (6-11-75).**

Transmits revised material for Chapter 5.

**150/5100-10A Accounting Records Guide for Airport Aid Program Sponsors (4-13-76).**

This advisory circular sets forth recordkeeping requirements imposed on sponsors of Airport Development Aid Program (ADAP) and the Planning Grant Program (PGP) projects by the Airport and Airway Development Act of 1970, as amended. In addition, the Federal Aviation Regulations (FARs) require a sponsor to establish and maintain a financial management system that meets the standards set forth in FAR 152, Appendix K. This circular provides detailed explanations of these requirements.

**150/5100-11 Land Acquisition and Relocation Assistance Under the Airport Development Aid Program (2-10-75).**

Provides guidance to sponsors of airport development projects under the Airport Development Aid Program to meet the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (Public Law 91-646).

**150/5100-12 Electronic Navigational Aids Approved for Funding Under the Airport Development Aid Program (9-20-76).**

Provides a list of the electronic navigational aids equipment which are approved for funding under the ADAP.

**SURPLUS AIRPORT PROPERTY CONVEYANCE PROGRAMS****150/5150-2A Federal Surplus Personal Property for Public Airport Purposes (8-3-73).**

Acquaints public airport owners and other interested parties with the Federal Surplus Personal Property Program for public airports and to outline procedures to be used in applying for and acquiring surplus personal property for this purpose.

**150/5150-2A CH 1 (2-21-74).**

Adds material to paragraph 24, Chapter 6, which was inadvertently omitted in the Advisory Circular during preparation.

**AIRPORT COMPLIANCE PROGRAM****150/5190-1 Minimum Standards for Commercial Aeronautical Activities on Public Airports (8-18-66).**

Gives to owners of public airports information helpful in the development and application of minimum standards for commercial aeronautical activities.

**150/5190-2A Exclusive Rights at Airports (4-4-72).**

Makes available to public airport owners, and to other interested persons, basic information and guidance on FAA's policy regarding exclusive rights at public airports on which Federal funds, administered by FAA, have been expended.

**150/5190-2A CH 1 (10-2-72).**

Deletes the reference to the sale of aeronautical charts by the National Ocean Survey (formerly the U.S. Coast and Geodetic Survey) and to encourage airport owners to obtain UNICOM license in their own names and make these facilities available to all fixed base operators.

**150/5190-3A Model Airport Hazard Zoning Ordinance (9-19-72).**

Provides a model airport hazard zoning ordinance for airports. The model ordinance is intended merely as a guide to control manmade and natural hazards to aircraft and will require modifications and revisions to meet the varying circumstances and the state and local laws.

**AIRPORT SAFETY—GENERAL****150/5200-3A Bird Hazards to Aircraft (3-2-72).**

Transmits to the aviation public the latest published information concerning the reduction of bird strike hazards to aircraft in flight and in the vicinity of airports.

**150/5200-4 Foaming of Runways (12-21-66).**

Discusses runway foaming and suggests procedures for providing this service.

**150/5200-5 Considerations for the Improvement of Airport Safety (2-2-67).**

Emphasizes that, in the interest of accident/incident prevention, airport management should conduct self-evaluations and operational safety inspections. An exchange of information and suggestions for the improvement of airport safety is also suggested.

**150/5200-6A Security of Aircraft at Airports (6-28-68).**

Directs attention to the problem of pilferage from aircraft on airports and suggests action to reduce pilferage and the hazards that may result therefrom.

**150/5200-7 Safety on Airports During Maintenance of Runway Lighting (1-24-68).**

Points out the possibility of an accident occurring to airport employees caused by electrocution.

**150/5200-8 Use of Chemical Controls to Repel Flocks of Birds at Airports (5-2-68).**

Acquaints airport operators with new recommendations on the use of chemical methods for dispersing flocks of birds.

**150/5200-9 Bird Reactions and Scaring Devices (6-26-68).**

Transmits a report on bird species and their responses and reactions to scaring devices.

**150/5200-11 Airport Terminals and the Physically Handicapped (11-27-68).**

Discusses the problems of the physically handicapped air traveler and suggests features that can be incorporated in modification or new construction of airport terminal buildings.

**150/5200-12 Fire Department Responsibility in Protecting Evidence at the Scene of an Aircraft Accident (8-7-69).**

Furnishes general guidance for employees of airport management and other personnel responsible for firefighting and rescue operations, at the scene of an aircraft accident, on the proper presentation of evidence.

**150/5200-13 Removal of Disabled Aircraft (8-27-70).**

Discusses the responsibility for disabled aircraft removal and emphasizes the need for prearranged agreements, plans, equipment, and improved coordination for the expeditious removal of disabled aircraft from airport operating areas. It also illustrates some of the various methods used, equipment employed, equipment available, and concepts for aircraft recovery.

**150/5200-14 Results of 90-Day Trial Exercise on Fire Department Activity (9-8-70).**

Transmits statistical data collected during a 90-day trial exercise conducted



to determine the relationship between aircraft fire and rescue service activities and airport aeronautical operations.

**150/5200-15** Availability of the International Fire Service Training Association's (IFSTA) Aircraft Fire Protection and Rescue Procedures Manual (9-11-70).

Announces the availability of the subject manual.

**150/5200-16** Announcement of Report AS-71-1 "Minimum Needs for Airport Fire Fighting and Rescue Services" Dated January 1971 (4-13-71).

Announces the availability of the subject report and describes how to get it.

**150/5200-17** Emergency Plan (2-5-72).

Contains guidance material for airport management to use in developing an emergency plan at civil airports.

**150/5200-17** CH-1 (6-28-74).

Provides additional guidance on care and services for uninjured aircraft passengers.

**150/5200-18** Airport Safety Self-Inspection (2-5-72).

Suggests functional responsibility, procedures, a checklist, and schedule for an airport safety self-inspection.

**150/5200-19** Availability of Report No. FAA-RD-71-20 "An Analysis of Airport Snow Removal and Ice Control" dated March 1971 (11-23-71).

Announces the availability of subject report.

**150/5200-21** Announcing the Availability of U.S. Air Force Technical Order (T.O. 00-105-9) Aircraft Emergency Rescue Information (5-23-73).

Explains the nature of the Technical Order and tells how it can be obtained by airport fire departments which are under the Airport Certification Program.

**150/5200-22** Announcing the Availability of the International Civil Aviation Organization Airport Services Manual, DOC-9137-AN/898, Part 3, Bird Control and Reduction (3-16-76).

Announces the availability of the manual, explains its purpose, and tells how to obtain copies.

**150/5200-23** Airport Snow and Ice Control (11-1-76).

Provides guidance to assist airport owners/operators to establish or improve airport snow and ice control programs.

**150/5210-2** Airport Emergency Medical Facilities and Services (9-3-64).

Provides information and advice so that airports may take specific voluntary preplanning actions to assure at least minimum first-aid and medical readiness appropriate to the size of the airport in terms of permanent and transient personnel.

**150/5210-4** FAA Aircraft Fire and Rescue Training Film, "Blanket for Survival" (10-27-65).

Provides information on the purpose, content, and availability of the subject training film.

**150/5210-5** Painting, Marking, and Lighting of Vehicles Used on an Airport (8-31-66).

Makes recommendations concerning safety, efficiency, and uniformity in the interest of vehicles used on the aircraft operational area of an airport.

**150/5210-6B** Aircraft Fire and Rescue Facilities and Extinguishing Agents (1-26-73).

Outlines scales of protection considered as the recommended level compared with the minimum level in Federal Aviation Regulation Part 139.49 and tells how these levels were established from test and experience data.

**150/5210-6B** CH 1 (8-22-73).

Issues new guidance under paragraph 9, and paragraph 12 of subject advisory circular.

**150/5210-6B** CH 2 (5-21-74).

Includes details on the basic purpose, care, and cleaning of proximity suits. Adds a new chapter 5—contains criteria intended for use in purchasing off-the-shelf design proximity suits.

**150/5210-7A** Aircraft Fire and Rescue Communications (3-16-72).

Provides guidance information for use by airport management in establishing communication and alarm facilities by which personnel required to respond to and function at aircraft ground emergencies may be alerted and supplied with necessary information.

**150/5210-8** Aircraft Firefighting and Rescue Personnel and Personnel Clothing (1-13-67).

Provides guidance concerning the manning of aircraft fire and rescue trucks, the physical qualifications that personnel assigned to these trucks should meet, and the protective clothing with which they should be equipped.

**150/5210-9** Airport Fire Department Operating Procedures During Periods of Low Visibility (10-27-67).

Suggests training criteria which airport management may use in developing minimum response times for aircraft fire and rescue trucks during periods of low visibility.

**150/5210-10** Airport Fire and Rescue Equipment Building Guide (12-7-67).

This title is self-explanatory.

**150/5210-11** Response to Aircraft Emergencies (4-15-69).

Informs airport operators and others of an existing need for reducing aircraft firefighting response time, and outlines a uniform response time goal of 2 minutes

within aircraft operational areas on airports.

**150/5210-12** Fire and Rescue Service for Certificated Airports (3-2-72).

Furnishes guidance and explains to Federal Aviation Administration (FAA) airport inspectors and airport management the minimum criteria to be applied when evaluating the aircraft fire and rescue service required at an airport for its compliance with the requirements of FAR Part 139.

**150/5210-13** Water Rescue Plans, Facilities, and Equipment (5-4-72).

Suggests planning procedures, facilities, and equipment to effectively perform rescue operations when an aircraft lands in a body of water, swamp, or tidal area where normal aircraft firefighting and rescue service vehicles are unable to reach the accident scene.

**150/5220-1** Guide Specification for a Light-Weight Airport Fire and Rescue Truck (7-24-64).

Describes a vehicle with performance capabilities considered as minimum for an acceptable light rescue truck.

**150/5220-4** Water Supply Systems for Aircraft Fire and Rescue Protection (12-7-67).

The title is self-explanatory.

**150/5220-6** Guide Specification for 1,000-Gallon Tank Truck (4-10-68).

Assists airport management in the development of local procurement specifications.

**150/5220-9** Aircraft Arresting System for Joint Civil/Military Airports (4-6-70).

Updates existing policy and describes and illustrates the various types of military aircraft emergency arresting systems that are now installed at various joint civil/military airports. It also informs users of criteria concerning installations of such systems at joint civil/military airports.

**150/5220-10** Guide Specification for Water/Foam Type Aircraft Fire and Rescue Trucks (5-26-72).

Assists airport management in the development of local procurement specifications.

**150/5220-10** CH 1 (12-4-72).

Replaces information on weight distribution and fire pump engines which was omitted when the subject circular was developed, consolidating information from four other circulars.

**150/5220-10** CH 2 (8-22-73).

Expands the guidance under paragraph 14 of subject AC to permit the design of engine systems to operate in freezing temperatures for prolonged periods and to provide devices insulation materials, etc., to prevent the truck fire fighting system from freezing.



**150/5230-3 Fire Prevention During Aircraft Fueling Operations (4-8-69).**

This advisory circular provides information on fire preventive measures which aircraft servicing personnel should observe during fueling operations.

**150/5240-7 A Fuel/Energy Conservation Guide for Airport Operators (2-19-74).**

Identifies potential areas where fuel and energy usage can be conserved to assist airport operators in their voluntary actions in reducing fuel and energy consumption.

**150/5280-1 Airport Operations Manual (6-16-72).**

Sets forth guidelines to assist airport operators in developing an Airport Operations Manual in compliance with the requirements of FAR Part 139.

**150/5280-2 Guidance for Airport Operators—Use of Notices to Airmen as Related to FAR Part 139 (2-12-74).**

Provides the airport operator with guidance on Notices to Airmen and assists him in understanding the system in relation to the requirements of FAR Part 139.

**DESIGN, CONSTRUCTION, AND MAINTENANCE—GENERAL**

**150/5300-2C Airport Design Standards—Site Requirements for Terminal Navigational Facilities (9-21-73).**

Provides information regarding the relative location and siting requirements for the terminal navigation facilities located on or close to an airport.

**150/5300-2C CH 1 (3-1-74).**

Transmits a revised Fig. 2-12 correcting the guidance for the location of the ILS Middle Marker Beacon.

**150/5300-4B Utility Airports—Air Access to National Transportation (6-24-75).**

Establishes design standards for utility airports which are constructed for and intended to be used by propeller-driven aircraft of 12,500 pounds maximum gross weight or less.

**150/5300-4B CH 1 (8-24-76).**

**150/5300-5 Airport Reference Point (9-26-68).**

Defines and presents the method for calculating an airport reference point.

**150/5300-6 Airport Design Standards, General Aviation Airports, Basic and General Transport (7-14-69). Consolidated Reprint August 1975 Incorporates Changes 1 and 2.**

Provides recommended design criteria for the development of larger than general utility airports.

**150/5300-7B FAA Policy on Facility Relocations Occasioned by Airport Improvements or Changes (11-8-72).**

Reaffirms the aviation community of the FAA policy governing responsibility for funding relocation, replacement and

modification to air traffic control and air navigation facilities that are made necessary by improvements or changes to the airport.

**150/5300-8 Planning and Design Criteria for Metropolitan STOL Ports (11-5-70).**

Provides the criteria recommended for the planning and design of STOL ports in metropolitan areas.

**150/5300-8 CH 1 (4-3-75).**

Transmits revised requirements for color coding of threshold and runway end lights on STOL runways.

**150/5300-9 Predesign and Preconstruction Conferences (ADAP) Projects (9-10-73).**

Emphasizes the need for, and encourages the use of, predesign and preconstruction conferences as valuable tools in the administration of construction contracts funded under the ADAP.

**150/5300-10 Federal Aviation Administration Funded Study—Analysis of General Aviation Airports Developed With and Without Federal Financial Assistance (7-21-75).**

Transmits the recommendations and conclusions of a study conducted for the FAA. Advises the public as to how they may obtain the reports.

**150/5320-5B Airport Drainage (7-1-70).**

Provides guidance for engineers, airport managers, and the public in the design and maintenance of airport drainage systems. (\$1.30 GPO.) TD 4.8:D78/970. SN 050-007-00149-5.

**150/5320-6B Airport Pavement Design and Evaluation (5-23-74).**

Provides guidance to the public for the design and evaluation of pavements at civil airports.

**150/5320-6B CH 1 (11-18-74).**

Transmits several changes to the basic advisory circular.

**150/5320-10 Environmental Enhancement at Airports—Industrial Waste Treatment (4-16-73).**

Provides basic information on the nature and treatment of industrial wastes produced at airports.

**150/5320-10 CH 1 (11-18-74).**

**150/5320-11 Runway Categorization—Aeronautical Studies—Airport Owners' Responsibilities (9-21-73).**

Emphasizes the need for airport owners to maintain runway and approach zone categories and locations on file with FAA so they may be given consideration under the regulations of FAR Part 77.

**150/5320-12 Methods for the Design, Construction, and Maintenance of Skid Resistant Airport Pavement Surfaces (7-30-75).**

Provides guidance on methods that can be used to provide and maintain airport pavement surface friction characteristics.

**150/5325-2C Airport Design Standards—Air Carrier Airports—Surface Gradient and Line-of-Sight (2-6-75).**

Establishes design standards for airports served by certificated air carriers to assist engineers in (1) designing the gradients of airports surface areas used to accommodate the landing, takeoff, and other ground movement requirement of airplanes while (2) providing adequate line of sight between airplanes operating on airports.

**150/5325-2C CH 1 (4-21-75).**

Transmits revised criteria for unobstructed line-of-sight along individual runways and between intersecting runways.

**150/5325-3 Background Information on the Aircraft Performance Curves for Large Airplanes (1-26-65). Consolidated Reprint May 1974. Includes Change 1.**

Provides airport designers with information on aircraft performance curves for design which will assist them in an objective interpretation of the data used for runway length determination.

**150/5325-4 Runway Length Requirements for Airport Design (4-5-65). Consolidated Reprint August 1974. Includes Changes 1 through 8.**

Presents aircraft performance curves and sets forth standards for the determination of runway lengths to be provided at airports. The use of these standards is required for project activity under the Federal-Aid Airport Program when a specific critical aircraft is considered as the basis for the design of a runway.

**150/5325-4 CHG 9 (8-15-75).**

**150/5325-4 Ch 10 (5-18-76).**

**150/5325-4 Ch 11 (11-15-76).**

**150/5325-5B Aircraft data (7-30-75).**

Presents a listing of principal dimensions of aircraft affecting airport design for guidance in airport development.

**150/5325-5B Ch 1 (6-25-76).**

**150/5325-6A Airport Design Standards—Effects and Treatment of Jet Blast (7-13-72).**

Presents criteria on the jet engine blast velocities associated with aircraft in common use in air carrier service, the effects of these blast velocities during ground operations, and suggested means to counteract or minimize these effects.

**150/5325-8 Compass Calibration Pad (5-8-69).**

Provides guidelines for the design, location on the airport, and construction of a compass calibration pad, and basic information concerning its use in determining the deviation error in an aircraft magnetic compass.

**150/5335-1A Airport Design Standards—Airports Served by Air Carriers—Taxiways (5-15-70).**

Provides criteria on taxiway design for airports served by certificated route



air carriers with present airplanes and those anticipated in the near future.

**150/5335-1A CH 1 (10-4-73).**

Transmits revised pages to the subject advisory circular.

**150/5335-2 Airport Aprons (1-27-65).**

Provides the criteria for airport aprons which are acceptable in accomplishing a project meeting the eligibility requirements of the Federal-aid Airport Program.

**150/5335-3 Airport Design Standards—Airports Served by Air Carriers—Bridges and Tunnels on Airports (4-19-71).**

Provides general guidance to those contemplating the construction of a bridge-type structure to allow aircraft to cross over an essential surface transportation mode.

**150/5335-3 CH 1 (3-30-73).**

Transmits revised pages.

**150/5335-4 Airport Design Standards—Airports Served by Air Carriers—Runway Geometries (7-21-75).**

Provides criteria on runway geometric design for airports served by certificated route air carriers.

**150/5335-4 Ch 1 (6-14-76).**

**150/5340-1D Marking of Paved Areas on Airports (1-19-73).**

Describes standards for marking serviceable runways and taxiways as well as deceptive, closed, and hazardous areas on airports.

**150/5340-4C Installation Details for Runway Centerline and Touchdown Zone Lighting Systems (5-6-75).**

(Reprinted 1976 includes change 1.)

Describes standards for the design and installation of runway centerline and touchdown zone lighting systems.

**150/5340-5A Segmented Circle Airport Marker System (9-10-71).**

Sets forth standards for a system of airport marking consisting of certain pilot aids and traffic control devices.

**150/5340-8 Airport 51-foot Tubular Beacon Tower (6-11-64).**

Provides design and installation details on the subject tower.

**150/5340-14B Economy Approach Lighting Aids (6-19-70).**

Describes standards for the design, selection, siting, and maintenance of economy approach lighting aids.

**150/5340-14B CH 1 (6-24-73).**

Transmits equipment specifications for an omnidirectional lead in approach light system.

**150/5340-14B CH 2 (2-11-75).**

Provides equipment specifications for an omnidirectional runway end identifier light system (REIL).

**150/5340-17A Standby Power for Non-FAA Airport Lighting Systems (3-19-71).**

Describes standards for the design, installation, and maintenance of standby power for nonagency owned airport visual aids associated with the National Airspace System (NAS).

**150/5340-18 Taxiway Guidance System (9-27-68).**

Describes the recommended standards for design, installation, and maintenance of a taxiway guidance sign system.

**150/5340-19 Taxiway Centerline Lighting System (11-14-68).**

Describes the recommended standards for design, installation, and maintenance of a taxiway centerline lighting system.

**150/5340-20 Installation Details and Maintenance Standards for Reflective Markers for Airport Runway and Taxiway Centerlines (2-17-69).**

Describes standards for the installation and maintenance of reflective markers for airport runway and taxiway centerlines.

**150/5340-21 Airport Miscellaneous Lighting Visual Aids (3-25-71).**

Describes standards for the system design, installation, inspection, testing, and maintenance of airport miscellaneous visual aids; i.e., airport beacons, beacon towers, wind cones, wind tees, and obstruction lights.

**150/5340-22 Maintenance Guide for Determining Degradation and Cleaning of Centerline and Touchdown Zone Lights (4-20-71).**

Contains maintenance recommendations for determining degradation and cleaning of centerline and touchdown zone lights installed in airport pavement.

**150/5340-22 CH 1 (6-23-71).**

Transmits a page change to subject advisory circular.

**150/5340-23A Supplemental Wind Cones (6-24-75).**

Describes standards for the performance and location of supplemental wind cones.

**150/5340-24 Runway and Taxiway Edge Lighting System (9-3-75).**

Describes standards for the design, installation, and maintenance of runway and taxiway edge lighting.

**150/5340-25 Visual Approach Slope Indicator (VASI) Systems (9-24-76).**

Describes standards for the design, installation, and maintenance of visual approach slope indicator systems.

**150/5345-1E Approved Airport Lighting Equipment (9-9-76).**

Contains lists of approved airport lighting equipment and manufacturers qualified to supply their product in ac-

cordance with the indicated specification requirements.

**150/5345-2 Specification for L-810 Obstruction Light (11-4-63).**

Required for FAAP project activity.

**150/5345-2 CH 1 (10-28-66).**

Transmits page changes to the subject advisory circular. This change provides for a new Alloy 360 in the die casting process.

**150/5345-3B Specification for L-821 Airport Lighting Panel for Remote Control of Airport Lighting (4-21-72).**

Describes the specification requirements for an airport lighting control panel for the remote control of airport lighting circuits and is published by the Federal Aviation Administration for the guidance of the public.

**150/5345-4 Specification for L-892 Internally Lighted Airport Taxi Guidance Sign (10-15-63).**

Required for FAAP project activity.

**150/5345-4 CH 1 (10-28-66).**

Transmits page changes to the subject advisory circular. This change provides for a new Alloy 360 in the die casting process.

**150/5345-5 Specification for L-847 Circuit Selector Switch, 5,000 Volt 20 Ampere (9-3-63).**

Required for FAAP project activity.

**150/5345-7C Specification for L-824 Underground Electrical Cables for Airport Lighting Circuits (2-4-76).**

Describes the specification requirements for underground electrical cables for airport lighting circuits. Published by the FAA for the guidance of the public.

**150/5345-10C Specification for L-828 Constant Current Regulators (10-22-71).**

Describes the subject specification requirements and is published by the Federal Aviation Administration for the guidance of the public.

**150/5345-11 Specification for L-812 Static Indoor Type Constant Current Regulator Assembly, 4 Kw and 7½ Kw, With Brightness Control for Remote Operations (3-2-64).**

Required for FAAP project activity.

**150/5345-12A Specification for L-801 Beacon (5-12-67). Consolidated Reprint November 1974. Includes Change 1.**

Describes the subject specification requirements.

**150/5345-13 Specification for L-841 Auxiliary Relay Cabinet Assembly for Pilot Control of Airport Lighting Circuits (1-6-64).**

Required for FAAP project activity.



**150/5345-18** Specification for L-811 Static Indoor Type Constant Current Regulator Assembly, 4 Kw; With Brightness Control and Runway Selection for Direct Operation (3-3-64).

Required for FAAP project activity.

**150/5345-18 CH 1** (5-28-64).

Advises that a detail requirement is not applicable to the circular.

**150/5345-21** Specification for L813 Static Indoor Type Constant Current Regulator Assembly; 4 Kw and 7½ Kw; for Remote Operation of Taxiway Lights (7-28-64).

Describes the subject specification requirements.

**150/5345-26A** Specification for L-823 Plug and Receptacle, Cable Connectors (5-4-71).

Describes the subject specification requirements.

**150/5345-26A Ch 1** (9-11-75).

**150/5345-27A** Specification for L-807 Eight-foot and Twelve-foot Unlighted or Externally Lighted Wind Cone Assemblies (6-16-69).

Describes the subject specification requirement for a hinged steel pole support, an anodized tapered aluminum hinged base pole support, and an "A" frame fixed support with a pivoted center pipe support.

**150/5345-28B** Specification for L-851 Visual Approach Slope Indicators and Accessories (2-16-72).

Describes the specification requirements for visual approach slope indicator (VASI) and simple abbreviated visual approach slope indicator (SAVASI) equipment and accessories.

**150/5345-36** Specification for L-808 Lighted Wind Tee (2-3-65).

Describes the subject specification requirements.

**150/5345-39A** FAA Specification L-853, Runway and Taxiway Centerline Retroreflective Markers (9-17-71).

Describes specification requirements for L-853 Runway and Taxiway Retroreflective markers, for the guidance of the public.

**150/5345-42A** FAA Specification L-857, Airport Light Bases, Transformer Housing and Junction Boxes (10-4-73).

Describes specification requirements for airport light bases, transformer housing and junction boxes for the guidance of the public.

**150/5345-42A Ch 1** (11-14-75).

**150/5345-43B** FAA/DOD Specification L-856, High Intensity Obstruction Lighting Systems (11-1-73).

Contains equipment specifications for high intensity obstruction lighting systems.

**150/5345-44A** Specification for L-858 Retroreflective Taxiway Guidance Signs (7-20-71).

Describes the specification for retroreflective taxiway guidance signs.

**150/5345-45** Lightweight Approach Light Structure (5-10-73).

Presents the specifications for lightweight structures for supporting lights as used in visual navigational aid systems.

**150/5345-46** Specification for Semiflush Airport Lights (7-11-75).

Establishes the performance requirements and pertinent construction details for omnidirectional, unidirectional, and bidirectional semiflush inset light assemblies to be used for lighting airport runways and taxiways.

**150/5345-46 Ch 1** (9-9-75).

**AC 150/5345-46 Ch 1** Errata Sheet (11-20-75).

**150/5345-47** Isolation Transformers for Airport Lighting Systems (7-28-75).

Contains the specifications requirements for series-to-series isolation transformers for use in airport lighting systems.

**150/5345-48** Specification for Runway and Taxiway Edge Lights (8-1-75).

Contains the specification requirements for airport runway and taxiway edge lights for the guidance of the public.

**150/5345-48 Ch 1** (7-13-76).

**150/5355-1A** International Signs to Facilitate Passengers Using Airports (11-3-71).

Informs airport authorities of the desirability to provide international signs and diagrammatic maps within terminal buildings and of the need for clearly marked road signs for airports.

**150/5355-2** Fallout Shelters in Terminal Buildings (4-1-69).

Furnishes guidance for the planning and design of fallout shelters in airport terminal buildings.

**150/5360-2** Airport Cargo Facilities (4-6-64).

Provides guidance material on air cargo facilities.

**150/5360-4** Guidelines for Federal Inspection Services Facilities at International Airports of Entry and at Landing Rights Airports (5-20-76).

Announces the availability of more current information on the requirements for Federal Inspection Services at airports of entry and at landing rights airports.

**150/5360-5** Announcement of Availability of the International Civil Aviation Organization (ICAO) Computer Data Bank Material (8-13-76).

Announces the availability of computer data bank material on airports shown in the International Civil Aviation Organization (ICAO) Regional Air Navigation Plans and how it can be obtained.

**150/5360-6** Airport Terminal Building Development with Federal Participation (10-5-76).

Provides guidance pertaining to Federal participation in airport terminal building construction under the provisions of the Airport and Airway Development Act, as amended.

**150/5360-7** Planning and Design Consideration for Airport Terminal Building Development (9-5-76).

Presents planning and design procedures to be considered in airport terminal building development funded under the Airport and Airway Development Act, as amended.

**150/5360-8** Announcement of Availability of Information on Foreign Airport Planning, Design, Construction, and Trade Opportunities (9-24-76).

Provides information on the availability of the U.S. Dept. of Commerce Foreign Trade Opportunities Program and on publications issued on foreign airport planning, design, construction, and trade opportunities.

**150/5370-2A** Operational Safety on Airports With Emphasis on Safety During Construction (6-20-75).

Presents guidelines concerning operational safety on airports with special emphasis on safety during periods of construction activity.

**150/5370-2A CH 1** (8-2-76).

**150/5370-4** Procedures Guide for Using the Standard Specifications for Construction of Airports (5-29-69).

Provides guidance to the public in the use and application of the Standard Specifications for Construction of Airports.

**150/5370-5A** Offshore Airports (2-21-75).

Announces to the public the availability of a two-volume report on offshore airport planning and construction methods and how to obtain the report.

**150/5370-6** Construction Progress and Inspection Report—Federal-Aid Airport Program (3-16-70).

Provides for a report on construction progress and inspection of Federal-aid Airport Program (FAAP) projects, suggests a form for the report, and recommends use of the form unless other arrangements exist to obtain the type of information provided by the form.

**150/5370-7** Airport Construction Controls To Prevent Air and Water Pollution (4-26-71).

Supplies guidance material on compliance with air and water standards during construction of airports developed under the Airport and Airway Development Act of 1970.

**150/5370-9** Slip-Form Paving—Portland Cement Concrete (6-7-73).

Transmits guidance for the construction of Portland Cement Concrete pavements by the slip-form method.



**150/5370-10 Standards for Specifying Construction of Airports (10-24-74).**

Provides construction standards usually used to specify grading, drainage, paving, lighting, fencing, and turfing items of work on civil airports. (\$7.25 GPO) TD 4.24:974. SN 050-007-00264-5.

**150/5370-11 Use of Nondestructive Testing Devices in the Evaluation of Airport Pavements (6-4-76).**

Provides guidance to the public on the use of nondestructive testing devices as aids in the evaluation of the load-carrying capacity of airport pavements.

**150/5380-4 Ramp Operations During Periods of Snow and Ice Accumulation (9-11-68).**

Directs attention to an increased accident potential when snow or ice accumulates on the surfaces of ramps and aircraft parking and holding areas and suggests some measures to reduce this potential.

**150/5380-5 Debris Hazards at Civil Airports (3-8-71).**

Discusses problems of debris at airports, gives information on foreign objects, and tells how to eliminate such objects from operational areas.

**150/5390-1A Heliport Design Guide (11-5-69).**

(Out of print. Being revised.)

Contains design guidance material for the development of heliports, both surface and elevated. (\$1.50 GPO.) TD 4.108:H36. SN 050-008-00002-9.

**PLANNING GRANT PROGRAM****150/5900-1A The Planning Grant Program for Airports (9-26-74).**

Offers guidance to the sponsors of airport system plans and airport master plans on how to participate in the FAA's Planning Grant Program. It describes the application process and the administrative procedures to be followed in performing planning projects.

**Air Navigational Facilities**

SUBJECT NO. 170

**170-3B Distance Measuring Equipment (DME) (11-8-65).**

Presents information on DME and some of its uses to pilots unfamiliar with this navigational aid.

**170-6A Use of Radio Navigation Test Generators (3-30-66).**

Gives information received from the Federal Communications Commission as to the frequencies on which the FCC will license test generators (used to radiate a radio navigation signal) within the scope of its regulations and gives additional information to assist the user when checking aircraft navigation receivers.

**170-8 Use of Common Frequencies for Instrument Landing Systems Located on Opposite Ends of the Same Runway (11-7-66).**

In the future, common frequencies may be assigned to like components of two in-

strument landing systems serving opposite ends of the same runway. This will include the localizers, glide slopes, and associated outer and middle marker compass locators (LOM and LMM).

**170-9 Criteria for Acceptance of Ownership and Servicing of Civil Aviation Interest(s) Navigational and Air Traffic Control Systems and Equipment (11-26-68).**

Contains a revised FAA policy under which the FAA accepts conditional ownership of equipment and systems from civil aviation interests, without the use of Federal funds, and operates, maintains, and provides the logistic support of such equipment.

**170-10 FAA Recommendations to FCC on Licensing of Non-Federal Radio Navigation Aids (10-17-69).**

Gives background information and describes the basis for recommendations to be made by the FAA to the Federal Communications Commission (FCC) regarding licensing of radio navigation aids.

**170-11 Amendment of Federal Aviation Regulation Part 171 (FAR-171)—Cost of Flight and Ground Inspections (9-17-70).**

Alerts the public to the amendment to FAR Part 171 pertaining to the payment of ground and flight inspection charges prior to the issuance of an approved IFR procedure.

**170-12 Implementation of 50 KHz/Y Channels for ILS/VOR/DME (10-7-70).**

Advises aircraft owners, operators and radio equipment manufacturers of plans for future implementation of split channel assignments in the aeronautical radio navigation bands.

**Administrative**

SUBJECT NO. 180

**183-30B FAA Designated Mechanic Examiners Directory (5-10-76).**

Provides a revised directory of all FAA designated mechanic examiners as of Jan. 31, 1976.

**183-31C FAA Designated Parachute Rigger Examiner Directory (5-10-76).**

Provides a new directory of all FAA designated parachute rigger examiners as of Jan. 31, 1976.

**183.29-1J Designated Engineering Representatives (7-1-76).**

Lists FAA-approved Designated Engineering Representatives who are available for consulting work.

**Flight Information**

SUBJECT NO. 210

**210-1A National Notice to Airmen System (12-10-75).**

Announces FAA policy for the preparation and issuance of essential flight information to pilots and other aviation interests.

**210-3 National Notice to Airmen System—Elimination of NOTAM Code (3-22-70).**

Announces changes in criteria and procedures for the Notice to Airmen System required to accommodate the transmission of all domestic Notice to Airmen data in clear contracted language and eliminate use of the NOTAM code on the domestic service A circuits.

**211-2 Recommended Standards for IFR Aeronautical Charts (3-20-67).**

Sets forth standards recommended by the Federal Aviation Administration for the guidance of the public in the issuance of IFR aeronautical charts for use in the National Airspace System (NAS).

**Advisory Circulars For Sale**

This List contains those circulars that are sold by the Superintendent of Documents. (See numerical index for appropriate price, sequential lettering, if any, and date, etc.)

Acceptable Methods, Techniques, and Practices—Aircraft Alterations, AC 43.13-2.

Acceptable Methods, Techniques, and Practices—Aircraft Inspection and Repair, AC 43.13-1.

Aircraft Dispatcher Written Test Guide, AC 65-4.

Airframe and Powerplant Mechanics Airframe Handbook, AC 65-15.

Airframe and Powerplant Mechanics Certification Guide, AC 65-2.

Airframe and Powerplant Mechanics Certification Information, AC 65-11.

Airframe and Powerplant Mechanics—General Handbook, AC 65-9.

Airframe and Powerplant Mechanics Powerplant Handbook, AC 65-12.

Airline Transport Pilot—Airplane—Practical Test Guide (Part 61 Revised), AC 61-77.

Airline Transport Pilot (Airplane) Written Test Guide, AC 61-18.

Airline Transport Pilot (Helicopter) Written Test Guide, AC 61-42.

Airport Drainage, AC 150/5320-5.

Airport Master Plans, AC 150/5070-6.

Aviation Weather, AC 00-6.

Aviation Weather Services, AC 00-45.

Basic Glider Criteria Handbook, AC 21-3.

Basic Helicopter Handbook, AC 61-13.

Commercial Pilot Airplane Flight Test Guide, AC 61-55.

Commercial Pilot Airplane Written Test Guide, AC 61-71.

Federal Aviation Regulations Written Test Guide for Private, Commercial, and Military Pilots, AC 61-34.

Flight Engineer Written Test Guide, AC 63-1.

Flight Instructor Instrument—Airplane—Written Test Guide, AC 61-70.

Flight Instructor Practical Test Guide, AC 61-58.

Flight Instructor Airplane Written Test Guide, AC 61-72.

Flight Instructor's Handbook, AC 61-16.

Flight Test Guide—Gyroplane, Private and Commercial, AC 61-30.

Flight Test Guide—Helicopter, Private and Commercial Pilot, AC 61-25.

Flight Test Guide (Part 61 revised)—Instrument Pilot Airplane, AC 61-56.

Flight Test Guide—Instrument Pilot Helicopter, AC 61-64.

Flight Test Guide (Part 61 revised)—Private Airplane, AC 61-54.

Flight Navigator Written Test Guide, AC 63-2.

Flight Training Handbook, AC 61-21.

Forming and Operating a Flying Club, AC 60-25.



General Aviation Inspection Aids, Summary, AC 20-7.  
 Ground Instructor—Instrument—Written Test Guide, AC 143-2.  
 Ground Instructor Written Test Guide—Basic and Advanced, AC 143-1.  
 Guide to Drug Hazards in Aviation Medicine, AC 91.11-1.  
 Heliport Design Guide, AC 150/5390-1.  
 Instrument Flying Handbook, AC 61-27.  
 Instrument Rating (Airplane) Written Test Guide, AC 61-8.  
 Inspection Authorization Study Guide, AC 65-19.  
 Medical Handbook for Pilots, AC 67-2.  
 Multiengine Airplane Class and Type Rating, AC 61-57.  
 Nondestructive Testing in Aircraft, AC 43-3.  
 Parachute Rigger Certification Guide, AC 65-5.  
 Personal Aircraft Inspection Handbook, AC 20-9.  
 Pilot Transition Courses for Complex Single-engine and Light, Twin-engine Airplanes, AC 61-9.  
 Pilot's Handbook of Aeronautical Knowledge, AC 61-23.  
 Pilot's Weight and Balance Handbook, AC 61-23.  
 Planning the Metropolitan Airport System, AC 150/5070-5.  
 Planning the State Airport System, AC 150/5050-3.  
 Private and Commercial Pilot, Flight Test Guide, AC 61-59.  
 Private and Commercial Pilot Glider, Flight Test Guide, AC 61-61.  
 Private and Commercial Pilot Gyroplane, Flight Test Guide, AC 61-60.  
 Private and Commercial Pilots Refresher Courses, AC 61-10.  
 Private and commercial Pilot—Rotorcraft/Helicopter—Written Test Guide, AC 61-73.  
 Private Pilot (Airplane) Flight Training Guide, AC 61-2.  
 Private Pilot Written Test Guide, AC 61-32.  
 Standards for Specifying Construction of Airports, AC 150/5370-10.  
 Student Pilot Guide, AC 61-12.  
 Terrain Flying, AC 91-15.  
 Ultrasonic Nondestructive Testing for Aircraft, AC 43-7.  
 U.S. Civil Aircraft Register, AC 20-6.  
 Written Test Guide, Flight Instructor—Glider, AC 61-75.  
 Written Test Guide, Flight Instructor—Rotorcraft-Helicopter, AC 61-74.

#### Internal Publications

Contractions Handbook, 7340.IE (10-1-75).

Gives approved word and phrase contractions used by personnel connected with air traffic control, communications, weather, charting, and associated services. (Sub. \$11.15—\$13.95 foreign—GPO.) TD 4.308:C76/975.

Location Identifiers, 7350.4H (9-15-76).

Incorporates all authorized 3-letter location identifiers for special use in United States, worldwide, and Canadian assignments. (Sub. \$11.70—\$14.65 foreign—GPO.) TD 4.310.

Air Traffic Control Handbook, 7110.65 (1-1-76).

Prescribes air traffic control procedures and phraseology for use by personnel providing air traffic control services. Controllers are required to be familiar with the provisions of this handbook which pertain to their operational responsibility and to exercise their best

judgment if they encounter situations not covered by it. This handbook cancels 7110.9D and 7110.8. (Sub. \$14.75—\$18.45 foreign—GPO.) TD 4.308:AI 7/3:976.

Flight Services, 7110.10D (1-1-77).

This handbook consists of two parts. Part I, the basic, prescribes procedures and phraseology for use by personnel providing flight assistance and communications services. Part II, the teletypewriter portion, includes Services A and B teletypewriter operating procedures, pertinent International Teletypewriter Procedures, and the conterminous U.S. Service A Weather Schedules. (Sub. \$18.30—\$22.90 foreign—GPO.) TD 4.308: F 64/977.

United States Standard for Terminal Instrument Procedures (TERPS), 3260.3B (July 1976).

Contains criteria which shall be used to formulate, review, approve, and publish procedures for instrument approach and departure of aircraft to and from civil and military airports. These criteria are for application at any location over which an appropriate U.S. agency exercises jurisdiction. (\$2.80 single copy. (GPO) Changes sold separately as issued.) SN 050-007-00345-5.

International Flight Information Manual, Vol. 24 (April 1976).

This Manual is primarily designed as a preflight and planning guide for use by U.S. nonscheduled operators, business and private aviators contemplating flights outside of the United States.

The Manual, which is complemented by the International Notams publication, contains foreign entry requirements, a directory of aerodromes of entry including operational data, and pertinent regulations, and restrictions. It also contains passport, visa, and health requirements for each country. Published annually with quarterly amendments. (Annual Sub. \$7.30; \$9.15 foreign—GPO.) TD 4.309: 24/976.

International Notams.

Covers notices on navigational facilities and information on associated aeronautical data generally classified as "Special Notices." Acts as a notice-to-airmen service only. Published weekly. (Annual Sub. \$28.10 domestic—\$35.15 foreign—GPO.) TD4.11.

Airman's Information Manual:

Part I—Basic Flight Information and ATC Procedures.

This part is issued semiannually and contains basic fundamentals required to fly in the U.S. National Airspace System; Among other data it also contains adverse factors affecting Safety of Flight; Health and Medical Facts of interest to pilots; ATC information affecting rules, regulations and procedures; a Pilot/Controller Glossary; Air Defense Identification Zones (ADIZ); Designated Mountainous Areas; and Emergency Procedures. (Annual Sub. \$7.50, foreign \$9.50. GPO.) TD 4.12: pt. 1/.

Part 2—Airport Directory.

This part is issued semiannually and contains a Directory of all Airports, Seaplane Bases, and Heliports in the conterminous United States, Puerto Rico, and the Virgin Islands which are available for civil use. It includes all of their services, except communications, in codified form. Those airports with communications are also listed in Part 3 which reflects their radio facilities. A list of new and permanently closed airports which updates this part is contained in Part 3. Also included in Part 2 are U.S. Entry and Departure Procedures, including Airports of Entry and Landing Rights Airports; and a listing of Flight Service Station and National Weather Service Telephone Numbers. (Annual Sub. \$7, foreign \$8.75. GPO.) TD 4.12: pt. 2/.

Part 3—Operational Data and Special Notices.

Part 3 is issued every 56 days and contains an Airport-Facility Directory of all major airports in the conterminous U.S., Puerto Rico, and the Virgin Islands with control towers and/or instrument landing systems; a tabulation of Air Navigation Radio Aids including Restrictions to En Route Navigation Aids; Special, General, & Area Notices; a tabulation of New and Permanently Closed Airports (which updates Part 2); Locations of VOR Receiver Check Points (both ground and airborne); a tabulation of North Atlantic Routes; Preferred Routes; Area Navigation Routes, and Sectional Chart Bulletins. (Annual subscription \$30.50; \$38.15 foreign. GPO.) TD 4.12: pt. 3.

Part 3A—Notices to Airmen.

Part 3A is issued every 14 days and contains current Notices to Airmen considered essential to the safety of flight as well as supplemental data to all Parts of AIM. (Annual subscription \$20.55; \$25.70 foreign. GPO.) TD 4.12: pt. 3A.

Part 4—Graphic Notices and Supplemental Data.

Part 4 is issued quarterly and contains abbreviations used in all parts of AIM; Parachute Jump Areas; Special Notice—Area Graphics; Terminal Area Graphics; Terminal Radar Service Area Graphics; Olive Branch Routes and other data not requiring frequent change. (Annual Sub. \$14.40, foreign \$18.00. GPO.) TD 4.12: pt. 4/.

#### NOTICE

The FAA has changed the issuance system for the Aircraft Type Certificate Data Sheets and Specifications and the Aircraft Engine and Propeller Type Certificate Data Sheets and Specifications in an effort to reduce the cost to users. All subscriptions to these two volumes terminated on Dec. 31, 1976.

Beginning with the January 1977 editions the two titles will change to a new basic series title—Type Certificate Data Sheets and Specifications—and will be grouped into six volumes with subtitles as follows:



Vol. I Single-Engine Airplanes.  
 Vol. II Small Multiengine Airplanes.  
 Vol. III Large Multiengine Airplanes.  
 Vol. IV Rotorcraft, Gliders, and Balloons.  
 Vol. V Aircraft Engines and Propellers.  
 Vol. VI Aircraft Listing and Aircraft Engine Listing.

#### Type Certificate Data Sheets and Specifications

Vol. I Single Engine Airplanes (TCDS 1) (Sub. \$38.00, foreign \$47.50. GPO).  
 Vol. II Small Multiengine Airplanes (TCDS 2) (Sub. \$28.00, foreign \$35.00).  
 Vol. III Large Multiengine Airplanes (TCDS 3) (Sub. \$32.00, foreign \$40.00. GPO).  
 Vol. IV Rotorcraft, Gliders, and Balloons (TCDS 4) (Sub. \$16.50, foreign \$20.75. GPO).  
 Vol. V Aircraft Engines and Propellers (TCDS 5) (Sub. \$27.00, foreign \$33.75. GPO).  
 Vol. VI Aircraft Listing and Aircraft Engine and Propeller Listing (SN 050-007-00360-9) (Single Copy \$4.15, foreign \$5.20. GPO).

Volumes I, II, III, IV, and V will be sold on a subscription basis and monthly supplementary service is included in the sales price.

Volume VI will be sold on a single-sales basis and will be issued as a revised edition when sufficient changes warrant.

#### Summary of Supplemental Type Certificates, January 1976.

Contains all supplemental type certificates issued by FAA regarding design changes in aircraft, engines, or propellers. List includes description of change, the model and type certificate number, the supplemental type certificate number, and the holder of the change. Quarterly supplements provided. (\$43.00—Sub., foreign \$54.00. GPO.) TD 4.36:976.

#### NOTICE

The January 1976 issues of the Summary of Airworthiness Directives—Volumes I and II, will be sold and distributed for the Superintendent of Documents by the Federal Aviation Administration from Oklahoma City, Oklahoma. Requests for subscriptions to either of these publications should be sent to:

U.S. Department of Transportation, Federal Aviation Administration, P.O. Box 25461, Attn: ACC-23, Oklahoma City, Okla. 73125.

Subscription service will consist of the summary and automatic biweekly updates to each summary for a 2-year period. Make certified checks or money orders payable to Federal Aviation Administration.

#### Summary of Airworthiness Directives for Small Aircraft (1-1-76) Volume I.

Presents, in volume form, all the Airworthiness Directives for small aircraft issued through December 31, 1975. AD's for engines, propeller, and equipment are included in each volume. Each volume is arranged alphabetically by product manufacturer. (\$14.00 plus \$3.50 additional for foreign handling.) SN 050-007-00306-4.

#### Summary of Airworthiness Directives for Large Aircraft (1-1-76) Volume II.

Presents, in volume form, all the Airworthiness Directives for large aircraft (over 12,500 pounds maximum certificated takeoff weight) issued through December 31, 1975. AD's for engines, propellers, and equipment are included in each volume. (\$13.00 plus \$3.25 additional for foreign handling.) SN 050-007-00307-2.

#### STATUS OF THE FEDERAL AVIATION REGULATIONS AS OF JANUARY 15, 1977.

The FAA publishes the Federal Aviation Regulations to make readily available to the aviation community the regulatory requirements placed upon them. These Regulations are sold as individual Parts by the Superintendent of Documents.

The more frequently amended Parts are sold on subscription service (that

is, subscribers will receive Changes automatically as issued), while the less active Parts are sold on a single-sale basis. Changes to single-sale Parts will be sold separately as issued. Information concerning these Changes will be furnished by FAA through its "Status of the Federal Aviation Regulations, AC 00-44." Instructions for ordering this free status list are given in the front of each single-sale Part.

The following list indicates the breakdown of the single-sale Parts and the subscription Parts. Check or money order made payable to the Superintendent of Documents should be included with each order. Submit orders for single-sales and subscription Parts on different order forms. No COD orders are accepted. All FAR Parts should be ordered from: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

#### PARTS SOLD ON SUBSCRIPTION SERVICE

Part	Title	Catalog number	Publication date	Price		
				Domestic	Additional for foreign handling	Changes issued to date
1	Definitions and abbreviations.....	TD 4.6:1	June 1974.....	\$3.00	\$0.75	3
21	Certification procedures for products and parts.....	TD 4.6:21	May 1974.....	3.75	.95	6
23	Airworthiness standards: Normal, utility, and aerobatic category airplanes.....	TD 4.6:23	June 1974.....	3.55	.90	2
25	Airworthiness standards: Transport category airplanes.....	TD 4.6:25	.....do.....	6.00	1.65	2
33	Airworthiness standards: Aircraft engines.....	TD 4.6:33	August 1974.....	3.00	.75	1
36	Noise standards: Aircraft type and airworthiness certification.....	TD 4.6:36	June 1974.....	3.00	.75	5
37	Technical standard order authorizations.....	TD 4.6:37	May 1974.....	3.65	1.45	3
63	Certification: Flight crewmembers other than pilots.....	TD 4.6:63	Sept. 1974.....	3.00	.75	2
91	General operating and flight rules.....	TD 4.6:91	March 1974.....	11.30	2.85	13
93	Special air traffic rules and airport traffic patterns.....	TD 4.6:93	.....do.....	2.45	.65	5
103	Transportation of dangerous articles and magnetized materials <sup>1</sup> .....					
121	Certification and Operations: Domestic, flag, and supplemental air carriers and commercial operators of large aircraft.....	TD 4.6:121	April 1974.....	9.20	2.30	10
123	Certification and operations: Air travel clubs using large airplanes.....	TD 4.6:123	.....do.....	2.00	.50	2
139	Certification and operations: Land airports serving CAB-certificated scheduled air carriers operating large aircraft (other than helicopters).....	TD 4.6:139	December 1974.....	3.00	.75	2

Note: Because of the lack of activity in the issuance of changes, the following FAR Parts have been taken off subscription service and are now sold as single-sales publications: Parts 43, 47, 61, 65, 105, 127, 133, 135, 141, and 152.

<sup>1</sup>The regulations for the transportation of hazardous material by air are set forth in Part 175—Carriage by Aircraft, effective July 1, 1976, published in 41 F.R. 16106, 4/15/76. This Part is issued by the Materials Transportation Bureau, Department of Transportation. For information concerning hazardous material regulations, contact the Materials Transportation Bureau, Department of Transportation, Washington, D.C. 20590.

#### PARTS SOLD ON SINGLE-SALE BASIS

Part	Title	Catalog No.	Publication date	Price <sup>1</sup>
11	General rulemaking procedures.....	TD 4.6:11	May 1974.....	\$0.55
	Change 1.....	TD 4.6:11/Ch 1	Feb. 1, 1974 and Jan. 1, 1975.....	.45
	Change 2.....	TD 4.6:11/Ch 2	Mar. 18, 1976.....	.40
	Change 3.....	TD 4.6:11/Ch 3	Jan. 1, 1976.....	.40
13	Enforcement procedures.....	TD 4.6:13	May 1974.....	.70
	Change 1.....	TD 4.6:13/Ch 1	Aug. 2, 1976.....	.40
	Change 2.....	TD 4.6:13/Ch 2	Dec. 13, 1976.....	.40
27	Airworthiness standards: Normal category rotorcraft.....	TD 4.6:27	August 1974.....	2.10
	Change 1.....	TD 4.6:27/Ch 1	Oct. 31, 1974.....	.75
	Change 2.....	TD 4.6:27/Ch 2	Feb. 5, 1976.....	.35
	Change 3.....	TD 4.6:27/Ch 3	Feb. 1, 1977.....	1.30
29	Airworthiness standards: Transport category rotorcraft.....	TD 4.6:29	August 1974.....	1.70
	Change 1.....	TD 4.6:29/Ch 1	Oct. 31, 1974.....	.70
	Change 2.....	TD 4.6:29/Ch 2	Feb. 5, 1976.....	.35
	Change 3.....	TD 4.6:29/Ch 3	Jan. 14, 1975.....	.40
	Change 4.....	TD 4.6:29/Ch 4	Feb. 1, 1977.....	1.45



## PARTS SOLD ON SINGLE-SALE BASIS—Continued

Part	Title	Catalog No.	Publication date	Price
31	Airworthiness standards: Manned free balloons	TD 4.6-31	August 1974	.40
	Change 1	TD 4.6-31/Ch 1	Feb. 1, 1977	.66
35	Airworthiness standards: Propellers	TD 4.6-35	do	.35
	Change 1	TD 4.6-35/Ch 1	Feb. 1, 1977	.65
39	Airworthiness directives	TD 4.6-39	May 1974	.35
43	Maintenance, preventive maintenance, rebuilding, and alteration	TD 4.6-43	January 1974	1.80
45	Identification and registration marking	TD 4.6-45	do	.65
47	Aircraft registration	TD 4.6-47	do	.85
	Change 1	TD 4.6-47/Ch 1	Aug. 8, 1976	.40
49	Recording of aircraft titles and security documents	TD 4.6-49	do	.50
	Change 1	TD 4.6-49/Ch 1	Aug. 8, 1976	.40
61	Certification: Pilots and flight instructors	TD 4.6-61	November 1974	2.90
	Change 1	TD 4.6-61/Ch 1	Dec. 22, 1976	.50
65	Certification: Airmen other than flight crewmembers	TD 4.6-65	September 1974	1.25
67	Medical standards and certification	TD 4.6-67	September 1974	.60
	Change 1	TD 4.6-67/Ch 1	Dec. 21, 1976	.40
71	Designation of Federal airways, area low routes, controlled airspace, and reporting points	TD 4.6-71	January 1975	.85
	Change 1	TD 4.6-71/Ch 1	July 28, 1975	.35
73	Special use airspace	TD 4.6-73	January 1975	.40
	Change 1	TD 4.6-73/Ch 1	July 28, 1975	.35
75	Establishment of jet routes and high area routes	TD 4.6-75	January 1975	.40
	Change 1	TD 4.6-75/Ch 1	Apr. 26, 1976	.40
77	Objects affecting navigable airspace	TD 4.6-77	do	1.10
95	IFR altitudes	TD 4.6-95	do	.50
	Change 1	TD 4.6-95/Ch 1	Feb. 18, 1975	.35
97	Standard instrument approach procedures	TD 4.6-97	January 1975	.45
99	Security control of air traffic	TD 4.6-99	March 1974	.70
	Change 1	TD 4.6-99/Ch 1	Mar. 11, 1976	.40
101	Moored balloons, kites, unmanned rockets, and unmanned free balloons	TD 4.6-101	do	.65
	Change 1	TD 4.6-101/Ch 1	Aug. 20, 1974	.35
105	Parachute jumping	TD 4.6-105	March 1974	.55
	Change 1	TD 4.6-105/Ch 1	Nov. 29, 1976	.40
107	Airport security	TD 4.6-107	March 1974	.40
	Change 1	TD 4.6-107/Ch 1	Dec. 9, 1976	.40
127	Certification and operations of scheduled air carriers with helicopters	TD 4.6-127	April 1974	1.80
	Change 1	TD 4.6-127/Ch 1	September 1974	.35
129	Operations of foreign air carriers	TD 4.6-129	April 1974	.45
	Change 1	TD 4.6-129/Ch 1	Oct. 9, 1975	.35
	Change 2	TD 4.6-129/Ch 2	Aug. 28, 1976	.40
	Change 3	TD 4.6-129/Ch 3	Nov. 11, 1976	.35
133	Rotocraft external-load operations	TD 4.6-133	November 1974	.65
135	Air taxi operators and commercial operators of small aircraft	TD 4.6-135	do	2.50
	Change 1	TD 4.6-135/Ch 1	do	.35
	Change 2	TD 4.6-135/Ch 2	May 1975	.35
	Change 3	TD 4.6-135/Ch 3	Nov. 29, 1976	.45
137	Agricultural aircraft operations	TD 4.6-137	November 1974	.50
	Change 1	TD 4.6-137/Ch 1	May 24, 1976	.35
	Change 2	TD 4.6-137/Ch 2	Sept. 20, 1976	.40
141	Pilot schools	TD 4.6-141	do	1.15
143	Ground instructors	TD 4.6-143	September 1974	.45
145	Repair stations	TD 4.6-145	January 1974	.85
	Change 1	TD 4.6-145/Ch 1	Nov. 29, 1976	.40
147	Aviation maintenance technician schools	TD 4.6-147	September 1974	.65
	Change 1	TD 4.6-147/Ch 1	Nov. 25, 1976	.40
149	Parachute lofts	TD 4.6-149	January 1974	.35
151	Federal aid to airports	TD 4.6-151	December 1974	1.55
152	Airport aid program	TD 4.6-152	do	1.35
	Change 1	TD 4.6-152/Ch 1	Aug. 26, 1976	.40
	Change 2	TD 4.6-152/Ch 2	Oct. 21, 1976	.45
153	Acquisition of U.S. land for public airports	TD 4.6-153	Aug. 26, 1976	.50
154	Acquisition of U.S. land for public airports under the Airports and Airway Act of 1970	TD 4.6-154	do	.40
155	Release of Airport property from surplus property disposal	TD 4.6-155	do	.40
157	Notice of construction, alteration, activation, and deactivation of airports	TD 4.6-157	January 1975	.40
159	National Capital airports	TD 4.6-159	December 1974	1.00
	Change 1	TD 4.6-159/Ch 1	June 13, 1976	.35
160	Expenditure of Federal funds for nonmilitary airports or air navigational facilities thereon	TD 4.6-160	January 1975	.35
171	Non-Federal navigation facilities	TD 4.6-171	do	1.10
	Change 1	TD 4.6-171/Ch 1	Aug. 19, 1975	.65
183	Representatives of the Administrator	TD 4.6-183	May 1974	.45
185	Testimony by employees and production of records in legal proceedings and service of legal process and pleadings	TD 4.6-185	do	.35
187	Fees	TD 4.6-187	do	.40
189	Use of Federal Aviation Administration communication system	TD 4.6-189	do	.40
191	Withholding Security Information from Disclosure Under the Air Transportation Security Act	TD 4.6-191	Dec. 9, 1976	.40

<sup>1</sup> Add 25% for foreign handling.

<sup>2</sup> Due to their length, complexity, and frequency of issuance, individual Airworthiness Directives are published separately in the FEDERAL REGISTER. Copies of Airworthiness Directives that have been issued are for sale in summary form by DOT, FAA Aeronautical Center (Consigned agent for Superintendent of Documents), P.O. Box 25461, Oklahoma City, Okla. 73125, Attn: AAC-23.

<sup>3</sup> Due to their length, complexity, and frequency of issuance, individual airspace designations, airways descriptions, restricted areas, jet route descriptions, and en route IFR altitudes are not included in the publication of these basic parts. Such descriptions are published in the FEDERAL REGISTER and depicted on appropriate aeronautical charts. Aeronautical charts can be obtained from the U.S. Department of Commerce, National Oceanic and Atmospheric Administration, Distribution Division (C-44), National Ocean Survey, Riverdale, Md. 20840.

<sup>4</sup> Standard instrument approach procedures are published in the FEDERAL REGISTER by reference to FAA documents which are available for examination in the Rules Docket (AGC-34) and the National Flight Data Center, FAA Headquarters, Washington, D.C., and at the appropriate FAA Regional Offices and Flight Inspection District Offices. These approach procedures can be obtained from the U.S. Department of Commerce, National Oceanic and Atmospheric Administration, Distribution Division (C-44), National Ocean Survey, Riverdale, Md. 20840.

ELDEN NOOTENBOOM,

Acting Director, Office of Management Systems.

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PART III



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**DEPARTMENT OF  
TRANSPORTATION**

**Federal Aviation  
Administration**



**AIRWORTHINESS  
REVIEW PROGRAM**

**Amendment No. 4: Powerplant  
Amendments**



## Title 14—Aeronautics and Space

## CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket Nos. 14606 and 14324; Amdt. Nos. 1-26; 23-18; 25-40; 27-12; 29-13; 33-8 and 35-4]

## AIRWORTHINESS REVIEW PROGRAM

## Amendment No. 4: Powerplant Amendments

• The purpose of these amendments is to update and improve the airworthiness standards applicable to the type certification of aircraft engines and propellers and of aircraft with respect to the provisions relating to powerplant installations. •

These amendments are the fourth in a series of amendments to be issued as part of the Airworthiness Review Program. The following amendments have previously been issued as part of this Airworthiness Review Program:

Title	FR Citation
Form number and clarifying revisions.	40 FR 2576; Jan. 14, 1975.
Rotorcraft anticollision lights standards.	41 FR 5290; Feb. 5, 1976.
Miscellaneous amendments	41 FR 55454; Dec. 20, 1976.

These amendments are based on two Notices of Proposed Rule Making—Notice 75-10 published in the FEDERAL REGISTER on March 7, 1975 (40 FR 10802); and Notice 75-19 published in the FEDERAL REGISTER on May 19, 1975 (40 FR 21866). The amendments based on Notice 75-10 were deferred in the series of amendments titled "Miscellaneous Amendments" (41 FR 55454; Dec. 20, 1976) so that they could be considered in conjunction with the final disposition of certain proposals in Notice 75-19. The discussions of the comments received for the deferred proposals are included under the heading of the related Notice 75-19 proposals.

Interested persons have been afforded an opportunity to participate in the making of these amendments and due consideration has been given to all matter presented. A number of substantive changes and changes of an editorial and clarifying nature have been made to the proposed rules based upon relevant comments received and upon further review within the FAA. Except for the minor editorial and clarifying changes and the substantive changes discussed below, these amendments and the reasons for their adoption are the same as those contained in Notices 75-10 and 75-19.

The following discussion is keyed to the like-numbered proposals contained in Notice 75-19:

**Proposal 3-1.** In commenting on proposed § 1.1, which would add definitions for "Altitude engine" and "Sea level engine," one commentator suggested that current § 1.33(b) (8) should be revised to require a manifold pressure gauge for each sea level engine equipped with a constant speed propeller, as well as for each altitude engine. The commentator stated that such a sea level engine is capable of being overboosted, if operated

with the propeller adjusted for operations at high beta angles and the throttle adjusted for high power. The FAA does not agree since a "Sea level engine" as defined would be capable of producing rated takeoff power only at sea level. Therefore, the definitions of "Altitude engine" and "Sea level engine" are adopted as proposed.

**Proposal 3-2.** Based upon a further review, proposed new § 23.739 concerning a requirement for landing gear electrical ground connections is withdrawn.

**Proposal 3-3.** One commentator questioned the proposed amendment of § 23.901(b) (2) concerning easily removable engine cowls and nacelles to facilitate preflight checks. The commentator was of the opinion that the preflight check made by the pilot should be limited to oil level inspection and suggested that the proposal be revised to only require provisions so that the pilot can easily check the level of lubrication oil. The FAA does not agree with the commentator. Items other than the oil level need to be checked in the engine compartment during a preflight check and therefore the engine cowls and nacelles must be easily removable or openable by the pilot to facilitate these checks.

Another commentator objected to the phrase "sustained loss of power" in proposed § 23.901(b) (3), as being insufficiently definitive by prescribing a limit on the duration of power loss rather than the degree of power loss. The commentator suggested the use of the phrase "serious loss of power." The FAA does not agree. The phrase "sustained loss of power" is consistent with present § 33.77(c), and was selected since the ingestion of rain can cause a power loss that is acceptable if it is not sustained. The commentator also objected to the prescribed rate of rain ingestion as being more severe than is presently prescribed or proposed for turbine engines in Part 25. The rain ingestion rate of 4 percent of engine airflow by weight is presently prescribed for all turbine engines of new design in § 33.77(f). Contrary to the commentator's contention, proposed § 25.1091(e) would apply the same rate in Part 25 to turbine engine installations using engines type certificated under regulations that did not include the current Part 33 requirement. The FAA believes that the rain ingestion rate is a reasonable certification requirement and is consistent with current § 33.77(f).

The commentator stated further that the moisture content should be that specified in Part 25, Appendix C, or two percent water content by weight. However, Appendix C defines an icing cloud and not a rain condition.

The commentator also stated that sufficient information regarding the collection and recording of the test data has not been provided and would be necessary to meet the requirements. The FAA did not intend to include administrative or type certification procedures in the proposal. No difficulty has been experienced in this regard during the type certification testing of turbine engines and no difficulty is foreseen in applying the proposed requirement.

The proposal is revised editorially for clarity.

**Proposal 3-4.** No adverse comments were received with respect to the proposed deletion of § 23.939(b). The proposal, therefore, is adopted.

**Proposal 3-5.** No unfavorable comment was received for proposed new § 23.943, and the proposal is adopted without substantive change. See Proposal 3-26 for a discussion of related comments.

**Proposal 3-6.** No unfavorable comments were received on the proposal to amend § 23.959. Accordingly, the proposal is adopted without substantive change.

**Proposal 3-7.** In commenting on proposed § 23.967(a) (5) one commentator stated that problems of fatigue of tanks should be examined where a negative pressure could exist in the tank. The proposal covers only bladder cells and the FAA does not regard fatigue considerations to be pertinent to bladder cells. The proposal is editorially revised to ensure that the exception for zero or negative pressure is clear.

**Proposal 3-8.** For a discussion of comments related to proposed new § 23.973(d), see Proposal 3-31.

**Proposal 3-9.** Two commentators questioned proposed new § 23.975(a) (7). The commentators stated that the proposal to prevent fuel loss when the airplane is parked in any direction on a ramp having a one-degree slope did not adequately consider the problems of fuel discharged because of thermal expansion. The FAA agrees that the intent of the proposal was to consider normal parking situations but not thermal expansion. The proposal is revised to make that exception.

A commentator stated that proposed § 23.975(a) (8) could be interpreted as meaning that if at least two separate and independent vents are provided, neither has to meet the proposed requirements. The FAA believes the proposal is not clear and may cause a misinterpretation of current § 23.975(a). The proposal is therefore withdrawn.

Several commentators suggested revisions of § 23.975(a) (8). In light of the withdrawal of proposed paragraph (a) (8), these comments are not discussed.

**Proposal 3-10.** No unfavorable comments were received on the proposal to amend § 23.995. The proposal is revised editorially for clarity. Also see Proposal 3-13.

**Proposal 3-11.** For a discussion of comments related to proposed § 23.1093(b), see Proposal 3-34.

**Proposal 3-12.** A commentator objected to proposed § 23.1121(b) concerning the location and shielding of exhaust system parts because of a lack of specificity on how to determine whether the location of a system carrying flammable fluid is acceptable. The FAA did not intend to state how an acceptable location would be determined since a number of acceptable methods might exist. The commentator also pointed out the possibility that a shield located close to a hot component might become hot enough to ignite flammable fluid. The FAA agrees and proposed §§ 23.1121(b), 25.1121(d),



27.1121(d), and 29.1121(b) have been revised to make it clear that shields used for shielding exhaust system parts are also parts of the exhaust system. The commentator also questioned whether the flammable fluid leak sources to be considered are those around fittings or include those caused by rupture of a fluid carrying line. Proposed § 23.1121(b) covers any leakage from a flammable fluid system including fluid-carrying lines and fittings, as well as the joints between them. Finally, the commentators stated that consideration should be given to fire detection and extinguishing equipment in showing compliance with proposed § 23.1121(b). The FAA does not agree since it is necessary to take steps to both prevent and control fires.

A commentator stated that proposed § 23.1121(b) would make an adequate design difficult to achieve and contended that the resultant design would be complex with an inherent lower reliability than a simple system. The FAA does not agree. The proposal specifically allows the use of exhaust system shielding as a method of avoiding impingement of flammable fluids. Therefore, the FAA believes the proposal would reduce design difficulties. The commentator also stated that it would be virtually impossible to prove whether the objective of the proposal had been met. The FAA does not foresee any difficulty in administering the requirement.

No unfavorable comments were received on the proposed new § 23.1121(h). Accordingly, the proposal is adopted without substantive change.

**Proposal 3-13.** A commentator noted that proposed § 23.1141(g) (1) would prohibit the use of a rotary type switch for selecting fuel supply from more than one tank, and suggested that the proposal be revised to read: "For manual valves, positive stops or in the case of fuel valves suitable index provisions, in the open and closed position." The FAA agrees and proposed §§ 23.1141(g) (1), 25.1141(f) (1), 27.1141(c) (1), and 29.1141(f) (1) are revised accordingly.

Several commentators concurred with proposed §§ 23.1141(g) (2) and 25.1141(f) (2) but believed that the pilot might not have a clear picture of the effect of valve position and recommended that the proposal be revised to require means to indicate proper valve operation to the flight crew. Another commentator stated that it is unnecessary to require indication of actual valve position with power-assisted valves and that it would be sufficient to indicate open and closed positions. Proposed §§ 23.1141(g) (2) and 25.1141(f) (2) were not intended to require an indication of the proper functioning of a power-assisted valve or to require an indication of each of the numerous possible valve positions. In addition, the proposal, as stated in the explanation, would recognize the acceptability of intransit light indicators. Therefore, proposed §§ 23.1141(g) (2), 25.1141(f) (2), 27.1141(c) (2), and 29.1141(f) (2) have been revised accordingly.

**Proposal 3-14.** No unfavorable comment was received on the proposal to amend § 23.1145(c). However, see the dis-

ussion of Proposal 3-40 for a revision of proposed § 23.1145(c).

**Proposal 3-15.** One commentator suggested that proposed § 23.1193(f) be revised to require a "fireproof" standard and to combine it with the fireproof standard for cowlings in current § 23.1193(e). The FAA does not agree since adopting the suggestion would result in an unduly severe provision. The proposal offers the design alternatives for multi-engine airplanes with supercharged engines of fireproof nacelle skin or fireproof cowling skin. Furthermore, the proposal is consistent with a similar provision in Part 25.

A second commentator believed that there should be a tradeoff between fire detection and extinguishment requirements. The FAA believes that both this proposal relating to fire containment and Proposal 3-16 relating to fire detection are necessary in light of service experience. The commentator also felt that the proposal should refer only to engines with mechanically driven superchargers and not to all supercharged engines. The FAA disagrees since there have been fires on supercharged engine installations other than those with mechanically driven superchargers and the proposal is applicable to all supercharged multiengine powered airplanes.

Another commentator questioned whether the reference in the proposal to supercharged engines was intended to include engines with turbo-superchargers. The term "supercharged" covers both mechanical and turbo-supercharged engines.

**Proposal 3-16.** One commentator requested that proposed new § 23.1203 concerning fire detector systems be revised to exclude turbocharged multiengine powered airplanes because these airplanes are not any more susceptible to fire than airplanes with sea level engines. The FAA disagrees. Service experience indicates that multiengine powered airplanes incorporating turbo-superchargers are more susceptible to fires than those that do not incorporate turbo-superchargers.

Another commentator opposed the proposal on the grounds that fire detection systems have not been shown to be necessary for general aviation aircraft and that the emphasis should be placed on fire prevention. The commentator also stated that there has been a history of false fire detection signals that have resulted in unscheduled landings and needless engine shut-downs. The FAA agrees that fire prevention is important and proposals have been made in the Airworthiness Review Program to enhance aircraft fire prevention capabilities. However, there is a need to require fire detection provisions so that early action can be taken if a fire occurs. Also, false fire warnings, associated with early detection systems on transport category airplanes, do not occur to an unacceptable degree in present detector systems which have the benefit of many years of service experience and technical improvements. The proposal is adopted with only minor editorial changes.

**Proposal 3-17.** For a discussion of the withdrawal of proposed § 23.1305(h), see Proposal 3-59.

For a discussion of comments on proposed § 23.1305(w) concerning fire warning indicators for those airplanes required to comply with § 23.1203, see Proposal 3-16.

**Proposal 3-18.** One commentator agreed with the intent of the proposal for § 23.1337(a) concerning powerplant instruments and instrument lines that utilize flammable fluids, but suggested a number of changes to make the provision more specific. The FAA does not agree. Flexibility in the requirement is necessary to avoid creating unnecessary design restrictions. The commentator suggested that a fire extinguisher be specified for compliance with the proposed rule. The FAA does not agree. The intent of the proposal is to prevent the occurrence of a fire hazard.

Another commentator did not concur with the proposal on the grounds that §§ 23.853(d) and 23.993 adequately cover its intent and it would result in undue crowding in the cockpit area. The FAA disagrees. The proposal contains necessary provisions not covered by § 23.993 and deals with locations not covered by § 23.853(d). In addition, the FAA has no data to indicate that crowding in the cockpit area would result from the proposal.

**Proposals 3-19 and 2-44.** Proposed § 23.1557(e) was intended to implement the requirement in Proposal 3-2 and is withdrawn because of the withdrawal of that proposal.

Disposition of Proposal 2-44 to amend § 23.1557 (Notice 75-10) was deferred so that it could be considered in connection with Proposal 3-19. No unfavorable comment was received on Proposal 2-44. Accordingly, the proposal is adopted without substantive change.

**Proposal 3-20.** Based upon a further review, proposed new § 25.739 concerning a requirement for landing gear electrical ground connections is withdrawn.

**Proposal 3-21.** One commentator suggested that the installation instructions of proposed § 25.901(b) (1) (i) should be limited to those installation design parameters pertinent to the engine type certificate. The installation instructions provided under § 33.5 include only those parameters referred to by the commentator, and the FAA believes that a revision of the proposal is not needed. Also see Proposal 3-51.

Two commentators objected to the use of the term "extremely remote" in proposed § 25.901(c) as not being clearly understood. The FAA believes the term is appropriate since it has been used in other sections of the regulations, without administrative difficulty, to establish the consideration that must be given to the failure of structural components during the evaluation of the type design.

One commentator believes that the proposal would make § 25.1309 inapplicable to powerplant or APU installations. The FAA disagrees; § 25.1309 would continue to apply to powerplant and APU installations.



Another commentator concurred with the proposal if, with respect to APUs, it is limited to those approved for use in flight. The FAA does not believe the proposal should be so limited since the failure or malfunction of an APU approved for use only on the ground could jeopardize safe operation on the ground and in flight. The proposal is adopted without substantive change.

**Proposal 3-22.** One commentator recommended revising proposed § 25.903(e)(2) to require only the establishment of an envelope that defines the inflight restart capability. The FAA disagrees since this recommendation would not explicitly require restart capability, which was the intent of the proposal and which the FAA believes is essential for safe operation.

Another commentator questioned the deletion of the fire resistant requirement for engine restarting from current § 25.903(c). The FAA believes, due to the very limited use of an engine after a fire in the engine, that the benefit of requiring the components of the restarting system to be fire resistant are slight. The FAA thus can no longer justify this requirement.

A commentator did not concur with proposed § 25.903(e)(3) because it provides for ignition but not for rotational capability sufficient for an engine start. The proposal however was not intended to require a power source for rotation where windmilling speeds are too low for restarting. The proposal would provide the necessary electrical power for engine ignition whether or not the windmilling speed was adequate for an engine start. The proposal is adopted without substantive change.

**Proposal 3-23.** Several commentators believed the reference in proposed § 25.933(a) to engine idle forward thrust was misleading and that the word "forward" should be deleted. One commentator suggested the word "reverse" be used instead of "forward". However, the direction of the thrust produced by the engine is not pertinent to the proposal. The resultant thrust is controlled by the reverser position. Therefore, the word "forward" is deleted.

One of the commentators believed that the allowable engine thrust setting should be stated as a percent of maximum or in terms of aircraft performance. The commentator suggested "flight idle" be used in place of "idle". The proposal was intended to require the engine thrust to be reduced to the thrust produced at idle in flight and the proposal has been revised to specify flight idle. The same commentator believed the proposal could be interpreted to include the malfunction of all reversers and an unlimited combination of failure modes. The proposed lead-in of paragraph (a) is revised to make it clear that consideration must be given to each reverser but only one reversal at a time.

Another commentator recommended that the proposal be revised to require the prevention of inadvertent thrust reversal in flight. The FAA disagrees. Section 25.1155 currently requires consider-

ation of inadvertent operation for each reverse thrust control.

A commentator stated that present § 25.933(d) covers the proposal. The FAA does not agree. Proposed § 25.933(a) would apply to all cases of in-flight thrust reversal of a reverser intended for ground operation only. Section 25.933(d) on the other hand applies only to malfunctions of the thrust reverser system that affect directional control.

Another commentator suggested that the word "condition" at the end of the proposed paragraph (a)(2) should be changed to "position". The FAA agrees that the significant status of the reverser is its position and the proposal is revised accordingly.

Finally, a commentator stated in view of the requirements in § 25.1155, proposed § 25.933(a) should be limited to systems failures. The FAA disagrees. The consequence of an in-flight thrust reversal is the same whether the reversal results from malfunction or the control is moved to the reverse position. Both situations have occurred in service and need consideration. The commentator also suggested replacing "possible" by "probable" in proposed § 25.933(a)(2) because "possible" does not define the limit of failure analysis or test configuration that has to be considered. However, the FAA believes that any degree of deployment of the reverser should be considered.

**Proposal 3-24.** No unfavorable comment was received on the proposal to delete § 25.939(b) and the proposal is adopted.

**Proposal 3-25.** One commentator suggested that the heading of proposed new § 25.941 be revised to read "Thrust or power augmentation system" for clarification. The FAA agrees and the heading is revised as suggested. The same commentator also pointed out that the section designation § 25.941 had been used in connection with another proposal in Notice 75-10. The FAA agrees and the section as adopted is designated as § 25.945.

A commentator suggested that proposed § 25.941(b)(2) should be clarified by adding the word "maximum" before the language "operating pressure". The FAA agrees, and the proposal as adopted has been so clarified.

A commentator referring to proposed § 25.941(b)(3), stated that it is not necessary to specify how the venting should be done and suggested that the proposal be revised to require that the venting arrangements for each tank must perform their intended functions under any foreseeable conditions. While the FAA does not agree with the revision suggested by the commentator, the FAA does agree that the vent need not be from the "top" of the expansion space. If the venting is effective under "any normal flight condition" the vent could be located in other places in the expansion space. Proposed § 25.941(b)(3) is revised accordingly to allow the applicant any needed flexibility.

Another commentator on proposed paragraph (b)(3) stated that the pro-

posal would preclude pressurization as a means of pumping. The FAA agrees. The proposal was not intended to preclude pressurization and is revised to apply only to vented tanks.

A commentator suggested a revision of proposed § 25.941(b)(4) that would require marking each tank filler cap to specify "usable tank capacity" rather than tank capacity. However, after further review the FAA does not believe a requirement for marking the cap with "tank capacity" or "usable tank capacity" is necessary and the requirement is deleted from the proposal.

Another commentator thought that placards should be treated separately from system design and that the proposal should be deleted because similar requirements for fuel and oil systems are being considered for deletion. The FAA believes that marking the tank fluid opening to identify the fluid to be used may avoid the inadvertent use of incorrect fluids.

One commentator stated that it is highly probable that the filler cap will not be large enough to indicate the required markings and that markings adjacent to the fluid filler cap should be allowed as is the case for § 25.1557(b). The FAA agrees and paragraph (b)(4) is revised to require marking at or near the filler cover.

On the basis of comments received and upon further review, the FAA believes that adoption of proposed § 25.941(b)(5) is not appropriate at this time and the proposal is withdrawn.

Another commentator believed that the proposal should be combined with § 25.963(e) to cover all fluid tanks. The FAA agrees that current § 25.963(e) should be combined with other augmentation system requirements but does not believe that augmentation system requirements and fuel tank requirements should be combined. Proposed § 25.941 and current § 25.963(e) are combined in a new § 25.945.

Finally, a commentator on the fuel-injection exclusion in proposed paragraph (d) questioned whether water-methanol as used on the Rolls-Royce Model 542 (Dart) would be regarded as a fuel. In the Dart application, the water-methanol system is not regarded as a fuel injection system. Therefore, the water-methanol system used on the Dart engine would not be excluded from the augmentation system requirements of § 25.945.

**Proposal 3-26.** Several commentators objected to proposed new § 25.943 concerning the effect of negative accelerations on engine and APU operation. One commentator recommended that the word "sustained" be used in place of the word "hazardous" in relation to which malfunctions need be considered under the proposed rules. The FAA disagrees since the significance of a malfunction is whether it is hazardous, irrespective of its duration.

A commentator did not concur with the proposal, stating that a differentiation is necessary between ground-use APUs and other APUs. The commentator apparently misinterpreted the proposal



since the proposal explicitly applies to an APU only if it is approved for use in flight.

Two commentators indicated that the proposal should be limited to APUs that are essential to the safety of flight. The FAA does not agree since the malfunction of a nonessential APU approved for use in flight might be hazardous. All flight-use APUs should therefore be evaluated under the proposal.

A commentator stated that since negative acceleration could affect all engines simultaneously, the requirement should refer to "engines". The proposal applies to any engine at any point during the negative acceleration and would necessarily include a determination of the effect of negative acceleration on each engine during the entire acceleration.

One commentator requested information on the duration of acceleration to be considered. The duration of acceleration to be considered under the provision is that expected in service and depends on the maneuver-time history of the particular aircraft type being evaluated within its flight envelope. The proposal is adopted without substantive change.

**Proposal 3-27.** A commentator objected to the list of factors in proposed § 25.952 (a) concerning characteristics that a test article must have that is used to reproduce the general fuel system. The commentator stated that in many cases the list is not complete and therefore may be misleading. Upon further review the FAA agrees that the specific list of characteristics may not be appropriate in all cases. The FAA believes that revision of the proposal to require that the test article must reproduce the operating characteristics of the portion of the fuel system to be tested will allow appropriate flexibility in determining the tests that are necessary and will eliminate the need for the list of factors which are already included within the term "operating characteristics".

Several commentators believed that the proposed § 25.952(b) was too restrictive. One commentator suggested that paragraph (b) be revised to read "The likely failure of any heat exchanger using fuel as one of its fluids may not result in a hazardous condition". The FAA agrees that contamination of either fluid does not always result in a hazardous condition and the requirement need not be as restrictive as proposed. Proposed § 25.952(b) is revised accordingly.

One commentator also commented that proposed paragraph (b) should apply only to heat exchangers that are part of the airplane fuel system and that engine heat exchangers should be controlled by a similar requirement in Part 33. The FAA disagrees. The evaluation whether contamination or other likely failure could cause a hazardous condition can only be determined in a particular airplane installation. Therefore, the proposal is applicable to airplane-furnished and engine-furnished heat exchangers.

**Proposal 3-28.** One commentator questioned the proposed clarification of § 25.959. While the commentator agreed

that unusable fuel supply should be determined under § 25.959 without considering fuel system component failures, the commentator believed that if a failure of a fuel system component would produce a greater amount of unusable fuel that fact must be determined in certification and made known to the operator. Fuel system component failures are not a required consideration under § 25.959. However, if the FAA determines that additional information is necessary for safe operation, this information must be furnished to the operator under the requirements of subpart G of Part 25. Accordingly, the proposal is adopted without substantive change.

**Proposal 3-29.** One commentator stated that proposed § 25.963(f) did not contain a provision to ensure fuel flow if the regulator failed and that there should be a manual back up for the crew in the event of a system failure. The proposal was not intended to ensure continued fuel flow after a regulator failure. The required fail-safe features are only intended to ensure the prevention of overpressurization. The FAA, furthermore, does not believe that an additional requirement for a specific manual system has been justified. The proposal is revised to ensure this intent.

Two other commentators believed that an automatic regulating means or a mechanical pressure regulating device need not be required if there are fail-safe features to prevent excessive pressure buildup. The FAA agrees and the proposal is revised to require a means with fail-safe features to prevent the buildup of excessive pressure differential between the inside and outside of the tank.

Proposed § 25.1305(a)(9) concerning powerplant instruments would have required a means to check the operation of the automatic regulating means in proposed § 25.963(f). Since paragraph (f) as revised would not require a means to regulate fuel tank pressure, an instrument to check this operation should not be required. Therefore, proposed § 25.1305(a)(9) is withdrawn.

See Proposal 3-25 for discussion of the transfer of current § 25.963(e), concerning augmentation liquid tank capacity, to § 25.945(e).

**Proposal 3-30.** One commentator interpreted § 25.965(d) to mean that only a pressure test is required for non-metallic fuel tanks. The commentator recommended that slosh testing be added to proposed new § 25.965(d) as a requirement for non-metallic tanks in transport category airplanes. The FAA does not agree with the recommendation since § 25.965(c) already requires slosh testing of all non-metallic tanks except where satisfactory experience with a similar tank in a similar installation can be shown.

Two commentators concurred with the proposal but believed the words "analysis or" should be inserted in conjunction with the word "tests" because analysis may be adequate in showing compliance, either alone or when combined with a limited test program. Furthermore, when the tank is an integral tank the struc-

tural loading, including aerodynamic loads, is not always amenable to test. The FAA agrees, and the proposal is revised by inserting the words "analysis or" before the word "tests".

**Proposal 3-31.** Sections 23.973(d) and 25.973(d), as proposed, are identical and concern the electrical bonding of the airplane and fueling equipment.

The FAA agrees with two commentators who stated that where a metal-to-metal bond is made between the airplane and the fueling equipment no need exists for separate electrical bonding of the fuel nozzle to the airplane fueling connection. The FAA believes that considering airplane and ground fueling systems being used today metal-to-metal contact will exist during pressure refueling. Therefore, the proposals are revised to except pressure fueling connection points from the fuel system electrical bonding provision.

Another commentator opposed the proposal on the grounds that there are no statistics to show that the present procedure is unsafe and that requiring special ground connections would increase cost and impose an unnecessary economic burden. The FAA does not concur because the flow rates associated with fueling without proper bonding can induce an electrostatic discharge sufficient to ignite fuel vapor.

A third commentator believed that a review of all fueling procedures should be conducted, in which the subject of grounding points would be one of several subjects to be considered, and that the review should be undertaken before any new rule affecting those procedures is adopted. The FAA agrees that an overall review of fueling procedure and equipment might be desirable; however, the FAA is not aware of any substantive reason to delay the adoption of the proposal with the change discussed above.

**Proposal 3-32.** No unfavorable comments were received on the proposal to amend § 25.995. Accordingly, the proposal is adopted without substantive change. Also see Proposal 3-39.

**Proposal 3-33.** One commentator questioned the proposed amendment to § 25-1091. The commentator stated that incorporating APU requirements into the propulsion engine requirements is confusing and unnecessary and that each APU would have to meet the propulsion engine foreign object ingestion test requirements for takeoff, flight idle, and cruise conditions although APUs do not undergo these conditions. The FAA agrees that paragraph (e) should not apply to APUs since foreign object ingestion by APUs is not considered to be a significant problem. However, the FAA believes that applicability of the other requirements to APUs is necessary for the reasons stated in the explanation for the proposal. The commentator also believed that to comply with proposed paragraph (e), the installed engine must repeat the ingestion test requirements of § 33.77. The FAA did not intend to require that the ingestion test requirements be repeated on engines that had already shown compliance with § 33.77.



The FAA believes that the test required by § 33.77 during the engine type certification adequately accounts for the effects of inlet ingestion on the powerplant installation. Proposed § 25.1091(e) is revised accordingly to apply only to turbine engines and to include only those engines that had not been shown during engine type certification to comply with § 33.77.

Another commentator recommended that proposed paragraph (e) be revised to require each turbine powerplant installation to "be consistent with the foreign object ingestion requirements of § 33.77." The FAA believes that the revised proposal attains the objective of the recommendation. The proposal is adopted with the revisions noted.

**Proposal 3-34.** Several comments were made on proposed §§ 23.1093 and 25.1093 that did not take into consideration Amendment Nos. 23-15 and 25-36, effective October 31, 1974. Proposals 3-11 and 3-34 proposed only a minor change to make it clear that the requirements of §§ 23.1093(b) and 25.1093(b), concerning ice accumulation caused by the ice and snow expected within the approved flight envelope, cover air inlet system components.

Proposed §§ 23.1093(b), 25.1093(b), 27.1093(b), and 29.1093(b) are modified by inserting the word "operate" in place of the words "function properly" for consistency in terminology with the current §§ 23.1093(b), 25.1093(b), 27.1093(b), and 29.1093(b).

**Proposal 3-35.** The proposal for § 25.1103(d), concerning turbine engine air duct systems, is related to a proposed amendment to § 25.1103 that is contained in Airworthiness Review Program, Notice No. 8 (Notice 75-31). The proposed amendment to § 25.1103(d), contained in Notice No. 3, is therefore deferred until final rule-making action with respect to the related proposal in Notice 75-31. Comments submitted for Proposal 3-35 will be considered at that time.

**Proposal 3-36.** One commentator suggested that proposed § 25.1121(b) be revised by adding the words "probable" before "leakage" and "hazardous" before "fire". The FAA does not agree. The consequences of leakage from systems carrying flammable fluids can be sufficiently hazardous to warrant the assumption of leakage even if not probable. Also, the FAA regards any fire as being hazardous.

For the reasons given in the discussion relating to Proposal 3-12, proposed § 25.1121(b) has been revised to make it clear that shields used for exhaust system parts are parts of the exhaust system.

**Proposal 3-37.** One commentator agreed with the proposed amendment to § 25.1123 but preferred to see all APU requirements separately stated rather than combined with the requirements for propulsion engines. The FAA, however, believes that identical requirements should be in the same section unless the applicability needs further clarification. Since no need was shown by the commentator, the proposal is adopted without substantive change.

**Proposal 3-38.** In response to an inquiry in the explanation of proposed new § 25.1129, several commentators stated that the proposal was covered by proposed § 25.901(c). The FAA agrees and the proposal is withdrawn.

**Proposal 3-39.** Several commentators stated that proposed § 25.1141(f) should apply only to valves that are essential to the safe operation of the airplane. The FAA disagrees. If any power-assisted valve is used, the flight crew might rely on it and should have an indication of when the valve is in the fully open or fully closed position, or when it is moving between the fully open and fully closed position.

The same commentators noted that an indication that the valve has attained the selected position should be required. For discussion of this comment and revision of new §§ 25.1141(f)(1) and (2), see Proposal 3-13.

**Proposal 3-40.** Several commentators objected to proposed §§ 25.1145(c), 27.1145(b), and 29.1145(c), concerning groups of ignition switches. The commentators stated that these new requirements were not necessary for turbine engines that do not require continuous ignition. The FAA agrees, since inadvertent movement of the ignition switch would not affect the operation of such an engine once that engine has been started. Accordingly, §§ 23.1145(c), 25.1145(c), 27.1145(b), and 29.1145(c) are revised to except the ignition switches for these engines from the requirement to have a means to prevent inadvertent operation of the group of ignition switches.

**Proposal 3-41.** The proposed § 25.1195(b), concerning fire extinguisher discharge, is related to a proposed amendment to § 25.1195(b) that is contained in Airworthiness Review Program, Notice No. 8 (Notice 75-31). The proposed amendment to § 25.1195(b), contained in Notice No. 3, is therefore deferred until final rule-making action with respect to the related proposal in Notice 75-31. Comments submitted for Proposal 3-41 will be considered at that time.

**Proposal 3-42.** No unfavorable comments were received on the proposal to amend § 25.1197. Accordingly, the proposal is adopted without substantive change.

**Proposal 3-43.** A commentator recommended a revision of the first sentence of proposed § 25.1199(b) concerning the location of pressure relief discharges of fire extinguishing agents. The commentator suggested that the discharge end be required to be located to avoid hazard to the airplane rather than damage. The FAA disagrees. The proposal is intended to provide for the consideration of damage such as corrosion that may be caused by the discharge of fire extinguishing agents. The commentator's suggestion would not clearly provide for such necessary consideration.

**Proposal 3-44.** One commentator questioned proposed § 25.1207. The commentator stated that analysis should not be permitted as the sole method of showing compliance with the fire protection requirements. The FAA agrees that some

of the requirements of §§ 25.1181 through 25.1203 may be complied with by analysis alone, while others require other methods of substantiation. Section 25.1207(d) is therefore revised to make clear that unless tests are specifically required in §§ 25.1181 through 25.1203 analysis is an acceptable method of showing compliance.

Another commentator pointed out that proposed § 25.1207(b) as written would preclude the use of the Statham test to determine extinguisher agent concentrations in an actual fire zone, contrary to his understanding that the Statham test method is acceptable. The FAA agrees and proposed paragraph (b) is revised to specify "tests of components," instead of "bench fire tests of components."

**Proposal 3-45.** For a discussion of the withdrawal of proposed § 25.1305(a)(9), see Proposal 3-29.

**Proposals 3-46 and 2-86.** Disposition of Proposal 2-86 (Notice 75-10) to amend § 25.1337(a) was deferred so that it could be considered in connection with Proposal 3-46, also to amend § 25.1337(a).

Two commentators concurred with Proposal 2-86, but believed that a review of other paragraphs of Part 25 affecting APU installations is required. The FAA does not agree. If other requirements are determined to be applicable to APU installations, additional proposals will be made in future rule-making actions. The FAA finds no reason to withhold adoption of these proposals pending such a determination.

No unfavorable comment was received on Proposal 3-46 and the proposal is adopted without substantive change.

**Proposals 3-47 and 2-94.** Disposition of Proposal 2-94 (Notice 75-10) to revise §§ 25.1549(a), (b), and (c) was deferred so that it could be considered in connection with Proposal 3-47, to amend § 25.1549(d).

One commentator concurred with Proposal 2-94, but pointed out that while it accommodated vertical scale instruments it did not accommodate horizontal scale instruments. The FAA agrees, and § 25.1549 as adopted will provide marking standards appropriate to circular, horizontal, and vertical scale powerplant instruments.

Another commentator believed that the proposal to provide specific requirements for marking vertical tape instruments, to provide for cockpit instrument standardization, is not appropriate for today's turbine engines. The commentator indicated the requirement could produce overlapping markings which could be misleading and, under certain operating conditions, could indicate that an unsafe condition is safe. The commentator recommended that markings for vertical tape engine instruments not be specified because such standardization is not in the best interest of safety. The FAA believes that overlap markings on tape instruments, similar to the overlap markings on round face instruments, will provide an adequate and safe presentation.

No unfavorable comment was received on Proposal 3-47, to amend § 25.1549(d)



and the proposal is adopted without substantive change.

*Proposal 3-48.* Proposed § 25.1557(e) was intended to implement the requirement in Proposal 3-20 and is withdrawn because of the withdrawal of that proposal.

*Proposal 3-49.* No unfavorable comment was received on the proposal to amend § 25.1585. Accordingly, the proposal is adopted without substantive change.

*Proposal 3-50.* One commentator objected to the proposed amendments to §§ 27.571(a) and 29.571(a). The commentator stated that the addition of the language "rotor drive systems between the engines and the rotor hubs" to the parenthetical description of flight structure is misleading and unnecessary. In support, the commentator suggested that the fatigue evaluation of the rotor drive system is accomplished upon compliance with §§ 27.923 or 29.923. The commentator's reply indicates (as was noted in the explanation for the proposals) the need for a clarification that the fatigue evaluation of §§ 27.571 and 29.571 includes portions of the rotor drive system. Sections 27.923 and 29.923 are primarily endurance test requirements, while §§ 27.571 and 29.571 are the fatigue evaluation requirements. It is therefore appropriate to include the rotor drive systems in the parenthetical description of the flight structure that must be included in the fatigue evaluation of §§ 27.571 or 29.571, as applicable.

Accordingly, the proposed amendments to §§ 27.571(a) and 29.571(a) are adopted without substantive change.

*Proposal 3-51.* One commentator objected to the proposed amendments to §§ 27.901(c)(1) and 29.901(b)(1)(i) that, if adopted, would require compliance with the engine installation instructions provided under § 33.5(a). The commentator stated that the installation instructions are apparently aimed at field information for the owner and in any case § 33.5 does not require that this information be provided until just prior to engine certification in many cases. The commentator recommended that the requirement should not refer to § 33.5 but to specific engine installation parameters which are essential to proper engine performance and which are exclusively the responsibility of the engine manufacturer.

The installation instructions of § 33.5 (a), in general, include a description of the location of mounting attachments and methods of attachment of the engine and engine components. The FAA believes this information is particularly pertinent to rotorcraft type certification. The FAA further believes that the installation instructions will be prepared by the engine type certificate applicant at the early stages of the engine type certification program. The commentator's suggestion that specific engine installation parameters be identified (rather than adopting the proposed reference to § 33.5) could lead to the failure to consider other installation parameters that

may be significant to safety. Also see Proposal 3-21.

*Proposal 3-52.* Two commentators suggested that proposed § 27.923(e) may be subject to misinterpretation but indicated that this was not a problem to them. Proposed § 27.923(e) includes language similar to current § 29.923(b)(3). The FAA believes these requirements should be consistent and therefore believes the wording should be similar to avoid a different interpretation.

Two commentators objected to proposed § 27.923(j) concerning the 30-minute power test for certain multiengine rotorcraft. The commentators indicated that proposed § 27.923(j) is inconsistent with proposed § 27.923(b) since more than 100 hours of testing would be required. The FAA does not believe that the proposed paragraphs are inconsistent. Proposed paragraph (b) would require that the rotor drive system and controls on all rotorcraft be tested for not less than 100 hours, and proposed paragraphs (c) through (e) would merely establish the kinds of tests included in those 100 hours. Proposed paragraph (j), which would apply only to rotorcraft for which the use of 30-minute power is requested, would require testing in addition to the 100 hours.

Another commentator stated that the FAA should not "bother with the change from 'power' to 'torque' as it leads to very confusing wording". The change of language to "torque" and "speed" was proposed because the FAA believes these are the parameters generally used by applicants in conducting the rotor drive system tests. The additional reference in the proposal to power, e.g., the 2½ minute and 30-minute power runs specified in paragraphs (e) and (j), is made to establish the relationship between the torque and speed and the corresponding engine power rating.

A commentator considered the cyclic aspect of testing to be important and suggested that the proposal specify the number and duration of cycles rather than the overall time. The FAA disagrees. The proposal does not change the terms of current § 27.923(f) which provides flexibility in establishing testing intervals (cycles). The FAA is not aware of a problem that would justify changing these minimum test intervals.

The same commentator also believed the proposed test runs at 2½ minute and 30-minute power were inadequate and compared poorly with the test required to qualify the engine under Part 33. The FAA disagrees. As stated in the explanation, the 2½ minute and 30-minute power test in the proposal for a normal category rotorcraft is to demonstrate that the rotor drive system can absorb the torque of engines operating at 2½ minute and 30-minute power. These ratings, however, are not incorporated into the performance requirements as is the case under Part 29, for transport category rotorcraft, and no performance credit is realized from their use. Therefore, the FAA believes the test is adequate under Part 27.

*Proposals 3-53 and 2-118.* Proposal 2-118 was deferred so that it could be considered with Proposal 3-53 since both proposed to amend § 27.927(b)(2). Proposal 2-118 would change the words "one hour" in § 27.927(b)(2) to "fifteen minutes". In this connection a commentator asked if due consideration had been given to the 30-minute emergency power rating when establishing the time requirement. The 30-minute power is taken into account by the terms of the requirement for test at maximum torque attainable under probable operating conditions.

Two commentators to Proposal 3-53 believed that in proposed § 27.927(b)(2) the word "outputs" should be "inputs". The FAA agrees and the proposal is revised accordingly.

One commentator stated that the 15-minute duration specified in proposed § 27.927(c), concerning operation after loss of oil pressure, should be 5 minutes to bring it into line with the protection time specified in current § 27.861. The FAA does not agree. The 5-minute duration is specified in § 27.861 since the occurrence of a fire normally necessitates immediate descent and landing. Loss of oil pressure in the rotor drive system does not correspondingly necessitate immediate descent and landing. The 15-minute requirement would provide for a reasonable durability of the system following the loss of oil pressure.

Two commentators believed that in proposed § 27.927(c) the term "autorotative conditions" was vague and should be replaced with the term "the low power conditions of autorotative flight". The FAA does not agree. Under autorotative conditions no power is transmitted from the engine to the rotor blades. Therefore a low power condition of the engine would not be applicable.

A commentator believed that the use of the word "torque" in place of "power" was confusing. The commentator indicated that the proposal could be interpreted to permit a static test since only torque and no rotational speed is specified. The proposal to use the word "torque" was made since the tests are run on the basis of the torque absorbed by the rotors. The torque being absorbed is that produced by the operating engine and transmitted through the rotor drive system.

A commentator stated that proposed paragraph (c) did not consider the design alternative of a back-up oil system. The FAA agrees that compliance by the use of a second oil system after failure of the primary system should be allowed. Proposed §§ 27.927(c) and 29.927(c) are revised accordingly.

A commentator suggested that it should be noted that the drive system need not be in condition for continued operation after the 15-minute test prescribed in paragraph (c). The FAA agrees that compliance with the proposal would be achieved after the 15-minute test was successfully run regardless of the condition of the rotor drive system.



**Proposal 3-54.** No unfavorable comments were received on the proposal to amend § 27.965. Accordingly, the proposal is adopted without substantive change.

**Proposal 3-55.** Several commentators to the proposed amendment of §§ 27.1093(b) and 29.1093(b) apparently failed to note the changes made by Amendment Nos. 27-9 and 29-10 (39 FR 35452; October 1, 1974). The proposals intended only to add the language "and its air inlet system" to §§ 27.1093(b)(1) and 29.1093(b)(1) and to restructure both sections to incorporate the added language. For a discussion of a change made to proposed § 27.1093(b), see Proposal 3-34.

**Proposal 3-56.** One commentator stated that § 27.1121(d), unlike §§ 23.1121(b) and 29.1121(b), did not need the clarification proposed. The FAA agrees that § 27.1121(d) did not use the language "dangerously close" that had been an administrative problem in §§ 23.1121(b) and 29.1121(b). However, beside the desire for consistency among the airworthiness certification parts, the FAA believes that proposed § 27.1121(d) provides a more comprehensive standard and will allow greater design flexibility.

For a discussion of changes made to proposed § 27.1121(d), see Proposal 3-12. No unfavorable comments were received concerning proposed § 27.1121(g) and it is adopted without substantive change.

**Proposal 3-57.** A commentator objected to proposed § 27.1141(d). The commentator stated that this proposal was not deemed necessary for Part 29 and asked why it was necessary for Part 27. The FAA disagrees that a similar requirement was not deemed necessary for Part 29. Proposed § 29.901(c) that is adopted in this amendment will require a similar consideration for powerplant controls in transport category rotorcraft. Further, the FAA believes that this requirement is necessary for normal category rotorcraft. Many turbine powerplant control systems on normal category rotorcraft are inherently complex. Considering such complexity, the FAA believes that consideration must be given to system redundancy, alternate devices, and duplication of functions in the design of certain turbine powerplant control systems.

Another commentator stated that the proposal to add a new § 27.1141(c) would require position indicators for all powerplant controls and considered this to be an excessive and unnecessary requirement. The FAA disagrees. The proposed new § 27.1141(c) applies only to powerplant valve controls located in the cockpit. For discussion of the revision of new §§ 27.1141(c)(1) and (2), see Proposal 3-13.

**Proposal 3-58.** One commentator stated that the proposed changes to §§ 27.1145(b) and 29.1145(c), concerning the prevention of inadvertent operation of each group of ignition switches, would seem to contradict current §§ 27.1145(a) and 29.1145(b). Sections 27.1145(a) and 29.1145(b) require a means to quickly shut off all ignition by the grouping of switches or by a master ignition control.

The FAA believes that the means provided to prevent inadvertent operation can be designed so that it will not prevent or adversely affect the ability to quickly shut off all ignition.

See Proposal 3-40 for a discussion of the revision of proposed § 27.1145(b) to provide an exception for turbine engines that do not require continuous ignition.

**Proposal 3-59.** A commentator stated that the revisions proposed for §§ 27.1305(e) and 29.1305(a)(5), concerning altitude engines, are not needed since the current rules are clear. The FAA believes that, considering the proposed new definition for an "altitude engine" that is adopted as an amendment to § 1.1 in this document, the proposed revisions concerning altitude engines in the airworthiness rules are not needed. The term "altitude engine" that is used in §§ 23.1305(h), 27.1305(e), and 29.1305(a)(5) will include a derated engine as well as a supercharged engine after the amendment to § 1.1. Accordingly, proposed §§ 23.1305(h), 27.1305(e), and 29.1305(a)(5) are withdrawn.

**Proposal 3-60.** No unfavorable comments were received on the proposal to amend § 27.1337(a). Accordingly, the proposal is adopted without substantive change. Also see Proposal 3-18.

**Proposal 3-61.** For a discussion of a comment concerning § 29.571(a), see Proposal 3-50.

**Proposal 3-62.** A commentator stated that proposed §§ 29.901(b)(1)(iii) and (c) are redundant and unnecessary. The FAA agrees that proposed § 29.901(b)(1)(iii) is unnecessary, and it is withdrawn. The FAA does not agree that proposed § 29.901(c) is redundant and unnecessary. Experience has shown the need for a failure requirement that is explicitly applicable to powerplant and auxiliary power unit installations.

One commentator stated that considering probable combinations of failures in proposed § 29.901(c) is inconsistent with the overall philosophy of Part 29. However, since the commentator did not state its view of the overall philosophy of Part 29, the FAA cannot respond to this comment.

The commentator suggested that engine rotor disc failures should be excluded from the consideration required by paragraph (c) since the rotorcraft environment is much more complex than in the case of an airplane. Also the commentator asserted that a lower incidence of fatigue failure can be expected in rotorcraft engines than in airplane engines. The FAA agrees and § 29.901(c) is revised to exclude engine rotor disc failures from consideration under that paragraph.

For comments related to the proposed amendment of § 29.901(b)(1)(i), see Proposal 3-51.

**Proposal 3-63.** No unfavorable comment was received on the proposed deletion of paragraphs (d) and (e) in § 29.903, and the paragraphs are deleted. Also, see Proposal 3-64.

**Proposal 3-64.** A commentator, while generally agreeing with proposed new § 29.908, objected to its applicability to

the entire cooling fan. The commentator stated that there is no service or test history that indicates a need to consider the entire fan. The FAA believes that the absence of cooling fan failures is due to the requirements of current § 29.1461 which applies to cooling fans that incorporate high energy rotors. In view of the requirements of current § 29.1461 and the fact that there is no service experience of fan failures, the FAA considers that proposed § 29.908 should be revised to be applicable only to cooling fan blade failures. Proposed § 29.908 is revised accordingly.

A commentator stated that loss of cooling may affect the continued safe operation of one or more engines and so prevent continued safe flight. The FAA did not intend to consider the effect of cooling loss but is concerned only with the fragmentation effect of a fan blade failure.

**Proposal 3-65.** A commentator believed the specification of 15 minutes in proposed § 29.927(c), concerning the loss of rotor drive system oil pressure, was inadequate for category A helicopters which have engine-out capability. Therefore, the commentator indicated, operations are planned over routes where a landing may not be possible within 15 minutes. The intent of the proposal is to enable the pilot to make an autorotative landing after loss of rotor drive system oil pressure and the FAA believes that the proposed 15 minute requirement is adequate for that purpose.

For a discussion of other comments related to proposed § 29.927(c), see the discussion of Proposal 3-53.

**Proposal 3-66.** A commentator stated that under his interpretation of § 29.965 only a pressure test is required for non-metallic fuel tanks, and he also recommended that slosh testing of non-metallic tanks be added as a requirement. The FAA disagrees. Paragraphs (a), (b), and (c) of § 29.965 apply prescribed pressure tests to all fuel tanks. In addition, § 29.965(d) already applies the slosh test requirement to each tank with large unsupported or unstiffened flat areas, or with other features whose failure or deformation could cause leakage. The proposal is adopted without substantive change.

**Proposal 3-67.** No unfavorable comments were received on the proposal to amend § 29.991(b). Accordingly, the proposal is adopted without substantive change.

**Proposal 3-68.** No unfavorable comments were received on the proposal to amend § 29.995. Accordingly, the proposal is adopted without substantive change.

**Proposal 3-69.** Although there were no unfavorable comments to the proposed amendment of § 29.1093(b) concerning the addition of the inlet system to the consideration required in paragraph (b)(1), the proposal is revised based on a comment to Proposal 3-34. See the discussion for Proposal 3-34.

**Proposal 3-70.** For a discussion of the revision to § 29.1121(b), see Proposal 3-12.



**Proposal 3-71.** Although there were no unfavorable comments to proposed § 29.1141(f), the proposal is revised based on a comment to Proposal 3-13. See the discussion for Proposals 3-13 and 3-57.

**Proposal 3-72.** For a discussion of proposed § 29.1145(c), see Proposals 3-40 and 3-58.

**Proposal 3-73.** Two commentators objected to the proposal to amend § 29.1193(e) on the grounds that present fire protection requirements for category B rotorcraft are adequate and that the proposal would place an undue weight and cost burden on category B rotorcraft. The FAA disagrees. Service experience has shown that the fire protection requirements specified in § 29.1193(e) should apply to all category of rotorcraft, especially those that may not be required to have fire extinguishing and fire detection systems. The FAA believes that the increase in cost and weight associated with this requirement is justified by the increment of safety attained. The proposal is therefore adopted without substantive change.

**Proposal 3-74.** No unfavorable comment was received on the proposal to amend § 29.1195. Accordingly, the proposal is adopted without substantive change.

**Proposal 3-75.** No unfavorable comments were received on the proposal to amend § 29.1197. Accordingly, the proposal is adopted without substantive change.

**Proposal 3-76.** No unfavorable comment was received on the proposal to amend § 29.1199, and the proposal is adopted without substantive change. Also, see discussion for Proposal 3-43.

**Proposal 3-77.** For a discussion of the withdrawal of proposed § 29.1305(a)(5), see Proposal 3-59.

**Proposals 3-78 and 2-185.** Disposition of Proposal 2-185 (Notice 75-10) to amend § 29.1337(a) was deferred so that it could be considered in connection with Proposal 3-78, which is also a proposal to amend § 29.1337(a). No unfavorable comment was received on either proposal. Accordingly, the proposals are adopted without substantive change.

**Proposal 3-79.** No unfavorable comments were received on the proposal to amend § 33.15. Accordingly, the proposal is adopted without substantive change.

**Proposal 3-80.** No unfavorable comments were received on the proposal to amend § 33.17. Accordingly, the proposal is adopted without substantive change.

**Proposal 3-81.** No unfavorable comments were received on the proposal to amend § 35.17. Accordingly, the proposal is adopted without substantive change.

**Proposal 3-82.** No unfavorable comments were received on the proposal to amend § 35.35. Accordingly, the proposal is adopted without substantive change.

These amendments are made under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, and for the reasons stated in Notices 75-10 and 75-19, Parts 1, 23, 25, 27, 29, 33, and 35 of the Federal Aviation Regulations are amended as follows, effective May 2, 1977:

**PART 1—DEFINITIONS AND ABBREVIATIONS**

1. By inserting in §1.1 between the definitions of "Alternate airport" and "Appliance" a definition of "Altitude engine" and between the definitions of "Route segment" and "Second in command" a definition of "Sea level engine" to read as follows:

§ 1.1 General definitions.

"Altitude engine" means a reciprocating aircraft engine having a rated take-off power that is producible from sea level to an established higher altitude.

"Sea level engine" means a reciprocating aircraft engine having a rated take-off power that is producible only at sea level.

**PART 23—AIRWORTHINESS STANDARDS: NORMAL, UTILITY, AND ACROBAT-CATEGORY AIRPLANES**

2. By adding new §§ 23.901(c), (d), and (e) to read as follows:

§ 23.901 Installation.

(c) Engine cowls and nacelles must be easily removable or openable by the pilot to provide adequate access to and exposure of the engine compartment for pre-flight checks.

(d) Each turbine engine powerplant must be constructed, arranged, and installed to provide continued engine operation without a sustained loss of power or thrust when being operated—

(1) At the maximum power or thrust approved for takeoff; and

(2) At flight idle in rain for at least three minutes with the rate of rain ingestion being not less than four percent, by weight, of the engine induction airflow rate.

(e) The installation must comply with—

(1) The installation instructions provided under § 33.5 of this chapter; and

(2) The applicable provisions of this subpart.

§ 23.939 [Amended]

3. By deleting § 23.939(b) and marking it "(Reserved)".

4. By adding a new § 23.943 to read as follows:

§ 23.943 Negative acceleration.

No hazardous malfunction of an engine, an auxiliary power unit approved for use in flight, or any component or system associated with the powerplant or auxiliary power unit may occur when the airplane is operated at the negative accelerations within the flight envelopes prescribed in § 23.333. This must be

shown for the greatest duration expected for the acceleration.

5. By adding a sentence at the end of § 23.959 to read as follows:

§ 23.959 Unusable fuel supply.

\* \* \* Fuel system component failures need not be considered.

6. By striking the word "and" from § 23.967(a)(4)(ii) and revising § 23.967(a)(5) to read as follows:

§ 23.967 Fuel tank installation.

(a) \* \* \*

(5) A positive pressure must be maintained within the vapor space of each bladder cell under all conditions of operation except for a particular condition for which it is shown that a zero or negative pressure will not cause the bladder cell to collapse; and

7. By adding a new § 23.973(d) to read as follows:

§ 23.973 Fuel tank filler connection.

(d) Each fuel filling point, except pressure fueling connection points, must have a provision for electrically bonding the airplane to ground fueling equipment.

8. By deleting the word "and" from § 23.975(a)(5); by inserting a semicolon and the word "and" at the end of § 23.975(a)(6); and by adding a new § 23.975(a)(7) to read as follows:

§ 23.975 Fuel tank vents and carburetor vapor vents.

(a) \* \* \*

(7) Vents must be arranged to prevent the loss of fuel, except fuel discharged because of thermal expansion, when the airplane is parked in any direction on a ramp having a one-percent slope.

9. By revising § 23.995(c) to read as follows:

§ 23.995 Fuel valves and controls.

(c) Each valve and fuel system control must be supported so that loads resulting from its operation or from accelerated flight conditions are not transmitted to the lines connected to the valve.

10. By revising § 23.1093(b) to read as follows:

§ 23.1093 Induction system icing protection.

(b) *Turbine engines.*

(1) Each turbine engine and its air inlet system must operate throughout the flight power range of the engine (including idling), within the limitations established for the airplane, without the accumulation of ice on engine or inlet system components that would adversely affect engine operation or cause a serious loss of power or thrust—

(i) Under the icing conditions specified in Appendix C of Part 25 of this Chapter; and

(ii) In snow, both falling and blowing.



(2) Each turbine engine must idle for 30 minutes on the ground with the air bleed available for engine icing protection at its critical condition, without adverse effect, in an atmosphere that is at a temperature of 29 degrees F and has a liquid water content of 0.6 grams per cubic meter in the form of drops having a mean-effective diameter of 40 microns, followed by a momentary operation at takeoff power or thrust.

11. By revising § 23.1121(b) and adding a new § 23.1121(h) to read as follows:

§ 23.1121 General.

(b) Each exhaust system part with a surface hot enough to ignite flammable fluids or vapors must be located or shielded so that leakage from any system carrying flammable fluids or vapors will not result in a fire caused by impingement of the fluids or vapors on any part of the exhaust system including shields for the exhaust system.

(h) Each exhaust heat exchanger must incorporate means to prevent blockage of the exhaust port after any internal heat exchanger failure.

12. By adding a new § 23.1141(g) to read as follows:

§ 23.1141 Powerplant controls: general.

(g) Powerplant valve controls located in the cockpit must have—

(1) For manual valves, positive stops or in the case of fuel valves suitable index provisions, in the open and closed position; and

(2) For power-assisted valves, a means to indicate to the flight crew when the valve—

(i) Is in the fully open or fully closed position; or

(ii) Is moving between the fully open and fully closed position.

13. By revising § 23.1145(c) to read as follows:

§ 23.1145 Ignition switches.

(c) Each group of ignition switches, except ignition switches for turbine engines for which continuous ignition is not required, and each master ignition control must have a means to prevent its inadvertent operation.

14. By revising the heading of § 23.1193 and by adding a new § 23.1193(f) to read as follows:

§ 23.1193 Cowling and nacelle.

(f) Each nacelle of a multiengine airplane with supercharged engines must be designed and constructed so that with the landing gear retracted, a fire in the engine compartment will not burn through a cowling or nacelle and enter a nacelle area other than the engine compartment.

15. By adding a new § 23.1203, following § 23.1193, to read as follows:

§ 23.1203 Fire detector system.

For multiengine turbine powered airplanes and multiengine reciprocating engine powered airplanes incorporating turbo-superchargers the following apply:

(a) There must be a means which ensures the prompt detection of a fire in an engine compartment.

(b) Each fire detector must be constructed and installed to withstand the vibration, inertia, and other loads to which it may be subjected in operation.

(c) No fire detector may be affected by any oil, water, other fluids, or fumes that might be present.

(d) There must be means to allow the crew to check, in flight, the functioning of each fire detector electric circuit.

(e) Wiring and other components of each fire detector system in an engine compartment must be at least fire resistant.

16. By adding a new § 23.1305(w) to read as follows:

§ 23.1305 Powerplant instruments.

(w) A fire warning indicator for those airplanes required to comply with § 23.1203.

17. By revising § 23.1337(a), including its heading, to read as follows:

§ 23.1337 Powerplant instruments.

(a) *Instruments and instrument lines.*

(1) Each powerplant instrument line must meet the requirements of § 23.993.

(2) Each line carrying flammable fluids under pressure must—

(i) Have restricting orifices or other safety devices at the source of pressure to prevent the escape of excessive fluid if the line fails; and

(ii) Be installed and located so that the escape of fluids would not create a hazard.

(3) Each powerplant instrument that utilizes flammable fluids must be installed and located so that the escape of fluid would not create a hazard.

18. By revising § 23.1557(c) and adding a new § 23.1557(e) to read as follows:

§ 23.1557 Miscellaneous markings and placards.

(c) *Fuel and oil filler openings.* The following apply:

(1) Fuel filler openings must be marked at or near the filler cover with—

(i) The word "fuel";

(ii) For reciprocating engine powered airplanes, the minimum fuel grade;

(iii) For turbine engine powered airplanes, the permissible fuel designations; and

(iv) For pressure fueling systems, the maximum permissible fueling supply pressure and the maximum permissible defueling pressure.

(2) Oil filler openings must be marked at or near the filler cover with the word "oil".

(e) The system voltage of each direct current installation must be clearly marked adjacent to its external power connection.

PART 25—AIRWORTHINESS STANDARDS: TRANSPORT CATEGORY AIRPLANES

19. By revising §§ 25.901(b)(1) and (c) to read as follows:

§ 25.901 Installation.

(b) \* \* \*

(1) The installation must comply with—

(i) The installation instructions provided under § 33.5 of this chapter; and

(ii) The applicable provisions of this subpart;

(c) For each powerplant and auxiliary power unit installation, it must be established that no single failure or malfunction or probable combination of failures will jeopardize the safe operation of the airplane except that the failure of structural elements need not be considered if the probability of such failure is extremely remote.

20. By revising § 25.903(c) and adding a new § 25.903(e) to read as follows:

§ 25.903 Engines.

(c) *Control of engine rotation.* There must be means for stopping the rotation of any engine individually in flight, except that, for turbine engine installations, the means for stopping the rotation of any engine need be provided only where continued rotation could jeopardize the safety of the airplane. Each component of the stopping system on the engine side of the firewall that might be exposed to fire must be at least fire-resistant. If hydraulic propeller feathering systems are used for this purpose, the feathering lines must be at least fire-resistant under the operating conditions that may be expected to exist during feathering.

(e) *Restart capability.* (1) Means to restart any engine in flight must be provided.

(2) An altitude and airspeed envelope must be established for in-flight engine restarting, and each engine must have a restart capability within that envelope.

(3) For turbine engine powered airplanes, if the minimum windmilling speed of the engines, following the in-flight shutdown of all engines, is insufficient to provide the necessary electrical power for engine ignition, a power source independent of the engine-driven electrical power generating system must be provided to permit in-flight engine ignition for restarting.

21. By revising § 25.933(a) to read as follows:

§ 25.933 Reversing systems.

(a) Each engine reversing system intended for ground operation only must be designed so that during any reversal



in flight the engine will produce no more than flight idle thrust. In addition, it must be shown by analysis or test, or both, that—

(1) The reverser can be restored to the forward thrust position; or

(2) The airplane is capable of continued safe flight and landing under any possible position of the thrust reverser.

§ 25.939 [Amended]

22. By deleting § 25.939(b) and marking it "[Reserved]".

23. By adding a new § 25.943 to read as follows:

§ 25.943 Negative acceleration.

No hazardous malfunction of an engine, an auxiliary power unit approved for use in flight, or any component or system associated with the powerplant or auxiliary power unit may occur when the airplane is operated at the negative accelerations within the flight envelopes prescribed in § 25.333. This must be shown for the greatest duration expected for the acceleration.

24. By adding a new § 25.945 to read as follows:

§ 25.945 Thrust or power augmentation system.

(a) *General.* Each fluid injection system must provide a flow of fluid at the rate and pressure established for proper engine functioning under each intended operating condition. If the fluid can freeze, fluid freezing may not damage the airplane or adversely affect airplane performance.

(b) *Fluid tanks.* Each augmentation system fluid tank must meet the following requirements:

(1) Each tank must be able to withstand without failure the vibration, inertia, fluid, and structural loads that it may be subjected to in operation.

(2) The tanks as mounted in the airplane must be able to withstand without failure or leakage an internal pressure 1.5 times the maximum operating pressure.

(3) If a vent is provided, the venting must be effective under all normal flight conditions.

(4) Each tank filler cap opening must be marked to identify the fluid at or near the filler cover.

(c) Augmentation system drains must be designed and located in accordance with § 25.1455 if—

(1) The augmentation system fluid is subject to freezing; and

(2) The fluid may be drained in flight or during ground operation.

(d) The augmentation liquid tank capacity available for the use of each engine must be large enough to allow operation of the airplane under the approved procedures for the use of liquid-augmented power. The computation of liquid consumption must be based on the maximum approved rate appropriate for the desired engine output and must include the effect of temperature on engine performance as well as any other factors that might vary the amount of liquid required.

(e) This section does not apply to fuel injection systems.

25. By adding a new § 25.952 to read as follows:

§ 25.952 Fuel system analysis and test.

(a) Proper fuel system functioning under all probable operating conditions must be shown by analysis and those tests found necessary by the Administrator. Tests, if required, must be made using the airplane fuel system or a test article that reproduces the operating characteristics of the portion of the fuel system to be tested.

(b) The likely failure of any heat exchanger using fuel as one of its fluids may not result in a hazardous condition.

26. By adding a sentence at the end of § 25.959 to read—

§ 25.959 Unusable fuel supply.

\* \* \* Fuel system component failures need not be considered.

27. By deleting § 25.963(e) and marking it "[Reserved]", and adding a new § 25.963(f) to read as follows:

§ 25.963 Fuel tanks: general.

(e) [Reserved]

(f) For pressurized fuel tanks, a means with fail-safe features must be provided to prevent the buildup of an excessive pressure difference between the inside and the outside of the tank.

28. By adding a new § 25.965(d) to read as follows:

§ 25.965 Fuel tank tests.

(d) For pressurized fuel tanks, it must be shown by analysis or tests that the fuel tanks can withstand the maximum pressure likely to occur on the ground or in flight.

29. By deleting the word "and" from § 25.973(b); by adding a semicolon and the word "and" at the end of § 25.973(c); and by adding a new § 25.973(d) to read as follows:

§ 25.973 Fuel tank filler connection.

(d) Each fuel filling point, except pressure fueling connection points, must have a provision for electrically bonding the airplane to ground fueling equipment.

§ 25.995 [Amended]

30. By deleting § 25.995(a) and marking it "[Reserved]".

31. By revising §§ 25.1091(a)(1) and (d), and adding a new § 25.1091(e) to read as follows:

§ 25.1091 Air induction.

(a) The air induction system for each engine and auxiliary power unit must supply—

(1) The air required by that engine and auxiliary power unit under each operating condition for which certification is requested; and

(d) For turbine engine powered airplanes and airplanes incorporating auxiliary power units—

(1) There must be means to prevent hazardous quantities of fuel leakage or overflow from drains, vents, or other components of flammable fluid systems from entering the engine or auxiliary power unit intake system; and

(2) The airplane must be designed to prevent water or slush on the runway, taxiway, or other airport operating surfaces from being directed into the engine or auxiliary power unit air inlet ducts in hazardous quantities, and the air inlet ducts must be located or protected so as to minimize the ingestion of foreign matter during takeoff, landing, and taxiing.

(e) Each turbine engine must comply with § 33.77 of this chapter unless compliance with § 33.77 was shown during aircraft engine type certification.

32. By revising § 25.1093(b) to read as follows:

§ 25.1093 Induction system deicing and anti-icing provisions.

(b) *Turbine engines.* (1) Each turbine engine and its air inlet system must operate throughout the flight power range of the engine (including idling), within the limitations established for the airplane, without the accumulation of ice on engine or inlet system components that would adversely affect engine operation or cause a serious loss of power or thrust—

(i) Under the icing conditions specified in Appendix C; and

(ii) In snow, both falling and blowing.

(2) Each turbine engine must idle for 30 minutes on the ground with the air bleed available for engine icing protection at its critical condition, without adverse effect, in an atmosphere that is at a temperature of 29 degrees F and has a liquid water content of 0.6 grams per cubic meter in the form of drops having a mean effective diameter of 40 microns, followed by a momentary operation at takeoff power or thrust.

33. By amending § 25.1121(c) by striking the last word "compartment" and inserting in place thereof the language "and auxiliary power unit compartments"; and by adding a lead-in to § 25.1121 and revising § 25.1121(b) to read as follows:

§ 25.1121 General.

For powerplant and auxiliary power unit installations the following apply:

(b) Each exhaust system part with a surface hot enough to ignite flammable fluids or vapors must be located or shielded so that leakage from any system carrying flammable fluids or vapors will not result in a fire caused by impingement of the fluids or vapors on any part of the exhaust system including shields for the exhaust system.



34. By amending § 25.1123 by adding a lead-in to read as follows:

§ 25.1123 Exhaust piping.

For powerplant and auxiliary power unit installations, the following apply:

35. By deleting § 25.1141 (e) and marking it "[Reserved]" and by adding a new § 25.1141 (f) to read as follows:

§ 25.1141 Powerplant controls: general.

(e) [Reserved]

(f) Powerplant valve controls located in the cockpit must have—

(1) For manual valves, positive stops or in the case of fuel valves suitable index provisions, in the open and closed position; and

(2) For power-assisted valves, a means to indicate to the flight crew when the valve—

(i) Is in the fully open or fully closed position; or

(ii) Is moving between the fully open and fully closed position.

36. By revising § 25.1145 (c) to read as follows:

§ 25.1145 Ignition switches.

(c) Each group of ignition switches, except ignition switches for turbine engines for which continuous ignition is not required, and each master ignition control must have a means to prevent its inadvertent operation.

§ 25.1197 [Amended]

37. By amending § 25.1197 by deleting from paragraph (b) the words "methyl bromide, carbon dioxide, or any other" and inserting "any" in their place and by deleting paragraph (c).

38. By revising §§ 25.1199 (b) and (c) to read as follows:

§ 25.1199 Extinguishing agent containers.

(b) The discharge end of each discharge line from a pressure relief connection must be located so that discharge of the fire extinguishing agent would not damage the airplane. The line must also be located or protected to prevent clogging caused by ice or other foreign matter.

(c) There must be a means for each fire extinguishing agent container to indicate that the container has discharged or that the charging pressure is below the established minimum necessary for proper functioning.

39. By adding a new § 25.1207 to read as follows:

§ 25.1207 Compliance.

Compliance with the requirements of §§ 25.1181 through 25.1203 must be shown by a full scale fire test or by one or more of the following methods:

(a) Tests of similar powerplant configurations.

(b) Tests of components.

(c) Service experience of aircraft with similar powerplant configurations.

(d) Analysis, unless tests are specifically required.

40. By revising § 25.1337 (a), including its heading, to read as follows:

§ 25.1337 Powerplant instruments.

(a) *Instruments and instrument lines.*

(1) Each powerplant and auxiliary power unit instrument line must meet the requirements of §§ 25.993 and 25.1183.

(2) Each line carrying flammable fluids under pressure must—

(i) Have restricting orifices or other safety devices at the source of pressure to prevent the escape of excessive fluid if the line fails; and

(ii) Be installed and located so that the escape of fluids would not create a hazard.

(3) Each powerplant and auxiliary power unit instrument that utilizes flammable fluids must be installed and located so that the escape of fluid would not create a hazard.

41. By revising § 25.1549, including the heading, to read as follows:

§ 25.1549 Powerplant and auxiliary power unit instruments.

For each required powerplant and auxiliary power unit instrument, as appropriate to the type of instrument—

(a) Each maximum and, if applicable, minimum safe operating limit must be marked with a red radial or a red line;

(b) Each normal operating range must be marked with a green arc or green line, not extending beyond the maximum and minimum safe limits;

(c) Each takeoff and precautionary range must be marked with a yellow arc or a yellow line; and

(d) Each engine, auxiliary power unit, or propeller speed range that is restricted because of excessive vibration stresses must be marked with red arcs or red lines.

42. By deleting the word "and" from the end of § 25.1585 (a) (7); by adding a semicolon and the word "and" to the end of § 25.1585 (a) (8); and by adding a new § 25.1585 (a) (9) to read as follows:

§ 25.1585 Operating procedures.

(a) \* \* \*

(9) Restoring a deployed thrust reverser intended for ground operation only to the forward thrust position in flight or continuing flight and landing with the thrust reverser in any position except forward thrust.

PART 27—AIRWORTHINESS STANDARDS:  
NORMAL CATEGORY ROTORCRAFT

§ 27.571 [Amended]

43. By amending § 27.571 (a) by revising the parenthetical statement contained therein to read—"(the flight structure includes rotors, rotor drive systems between the engines and the rotor hubs, controls, fuselage, and their related primary attachments)".

44. By adding a new § 27.901 (c) to read as follows:

§ 27.901 Installation.

(c) The installation must comply with—

(1) The installation instructions provided under § 33.5 of this chapter; and

(2) The applicable provisions of this subpart.

45. By revising §§ 27.923 (a), (b), (c), (d), and (e), and by adding a new § 27.923 (j) to read as follows:

§ 27.923 Rotor drive system and control mechanism tests.

(a) Each part tested as prescribed in this section must be in a serviceable condition at the end of the tests. No intervening disassembly which might affect test results may be conducted.

(b) Each rotor drive system and control mechanism must be tested for not less than 100 hours. The test must be conducted on the rotorcraft, and the torque must be absorbed by the rotors to be installed, except that other ground or flight test facilities with other appropriate methods of torque absorption may be used if the conditions of support and vibration closely simulate the conditions that would exist during a test on the rotorcraft.

(c) A 60-hour part of the test prescribed in paragraph (b) of this section must be run at not less than the torque corresponding to maximum continuous engine power and r.p.m. In this test, the main rotor must be set in the position that will give maximum longitudinal cyclic pitch change to simulate forward flight. The auxiliary rotor controls must be in the position for normal operation under the conditions of the test.

(d) A 30-hour part of the test prescribed in paragraph (b) of this section must be run at not less than the torque corresponding to 75 percent of maximum continuous engine power and the minimum engine speed intended for this power. The main and auxiliary rotor controls must be in the position for normal operation under the conditions of the test.

(e) A 10-hour part of the test prescribed in paragraph (b) of this section must be run at not less than the torque corresponding to takeoff engine power and r.p.m. The main and auxiliary rotor controls must be in the normal position for vertical ascent. For multiengine helicopters for which the use of 2½ minute power is requested, three runs during the 10-hour test must be conducted as follows:

(1) Each run must consist of at least one period of 2½ minutes at the torque corresponding to takeoff power and speed on all engines.

(2) Each run must consist of at least one period for each engine in sequence, during which that engine simulates a power failure and the remaining engines are run at the torque corresponding to 2½ minute power and speed for 2½ minutes.



(j) For multiengine helicopters for which the use of 30-minute power is requested, a run must be made at the torque corresponding to 30-minute power and minimum speed intended for this power, in which each engine, in sequence, is shut down and the remaining engines are run for a 30-minute period.

46. By revising the lead-in of § 27.927(b) and §§ 27.927(b) (2) and (3) and by adding a new § 27.927(c) to read as follows:

§ 27.927 Additional tests.

(b) If turbine engine torque output to the transmission can exceed the highest engine or transmission torque rating limit, and that output is not directly controlled by the pilot under normal operating conditions (such as where the primary engine power control is accomplished through the flight control), the following test must be made:

(2) For multiengine rotorcraft under conditions associated with each engine, in turn, becoming inoperative, apply to the remaining transmission torque inputs the maximum torque attainable under probable operating conditions, assuming that torque limiting devices, if any, function properly. Each transmission input must be tested at this maximum torque for at least 15 minutes.

(3) The tests prescribed in this paragraph must be conducted on the rotorcraft and the torque must be absorbed by the rotors to be installed, except that other ground or flight test facilities with other appropriate methods of torque absorption may be used if the conditions of support and vibration closely simulate the conditions that would exist during a test on the rotorcraft.

(c) It must be shown by tests that the rotor drive system is capable of operating under autorotative conditions for 15 minutes after the loss of pressure in the rotor drive primary oil system.

47. By revising § 27.965, including the heading, to read as follows:

§ 27.965 Fuel tank tests.

(a) Each fuel tank must be able to withstand the applicable pressure tests in this section without failure or leakage. If practicable, test pressures may be applied in a manner simulating the pressure distribution in service.

(b) Each conventional metal tank, nonmetallic tank with walls that are not supported by the rotorcraft structure, and integral tank must be subjected to a pressure of 3.5 p.s.i. unless the pressure developed during maximum limit acceleration or emergency deceleration with a full tank exceeds this value, in which case a hydrostatic head, or equivalent test, must be applied to duplicate the acceleration loads as far as possible. However, the pressure need not exceed 3.5 p.s.i. on surfaces not exposed to the acceleration loading.

(c) Each nonmetallic tank with walls supported by the rotorcraft structure must be subjected to the following tests:

(1) A pressure test of at least 2.0 p.s.i. This test may be conducted on the tank

alone in conjunction with the test specified in paragraph (c) (2) of this section.

(2) A pressure test, with the tank mounted in the rotorcraft structure, equal to the load developed by the reaction of the contents, with the tank full, during maximum limit acceleration or emergency deceleration. However, the pressure need not exceed 2.0 p.s.i. on surfaces not exposed to the acceleration loading.

(d) Each tank with large unsupported or unstiffened flat areas, or with other features whose failure or deformation could cause leakage, must be subjected to the following test or its equivalent:

(1) Each complete tank assembly and its support must be vibration tested while mounted to simulate the actual installation.

(2) The tank assembly must be vibrated for 25 hours while two-thirds full of any suitable fluid. The amplitude of vibration may not be less than one thirty-second of an inch, unless otherwise substantiated.

(3) The test frequency of vibration must be as follows:

(i) If no frequency of vibration resulting from any r.p.m. within the normal operating range of engine or rotor system speeds is critical, the test frequency of vibration, in number of cycles per minute must, unless a frequency based on a more rational calculation is used, be the number obtained by averaging the maximum and minimum power-on engine speeds (r.p.m.) for reciprocating engine powered rotorcraft or 2,000 c.p.m. for turbine engine powered rotorcraft.

(ii) If only one frequency of vibration resulting from any r.p.m. within the normal operating range of engine or rotor system speeds is critical, that frequency of vibration must be the test frequency.

(iii) If more than one frequency of vibration resulting from any r.p.m. within the normal operating range of engine or rotor system speeds is critical, the most critical of these frequencies must be the test frequency.

(4) Under paragraphs (d) (3) (ii) and (iii) of this section, the time of test must be adjusted to accomplish the same number of vibration cycles as would be accomplished in 25 hours at the frequency specified in paragraph (d) (3) (i) of this section.

(5) During the test, the tank assembly must be rocked at the rate of 16 to 20 complete cycles per minute through an angle of 15 degrees on both sides of the horizontal (30 degrees total), about the most critical axis, for 25 hours. If motion about more than one axis is likely to be critical, the tank must be rocked about each critical axis for 12½ hours.

48. By revising § 27.1093(b) to read as follows:

§ 27.1093 Induction system icing protection.

(b) Turbine engines.

(1) Each turbine engine and its air inlet system must operate throughout the flight power range of the engine (in-

cluding idling), within the limitations established for the rotorcraft without the accumulation of ice on engine or inlet system components that would adversely affect engine operation or cause a serious loss of power or thrust—

(i) Under the icing conditions specified in Appendix C of Part 25 of this Chapter; and

(ii) In snow, both falling and blowing.

(2) Each turbine engine must idle for 30 minutes on the ground with the air bleed available for engine icing protection at its critical condition, without adverse effect, in an atmosphere that is at a temperature of 29 degrees F and has a liquid water content of 0.6 grams per cubic meter in the form of drops having a mean effective diameter of 40 microns followed by a momentary operation at takeoff power or thrust.

49. By revising § 27.1121(d), and by adding a new § 27.1121(g), to read as follows:

§ 27.1121 General.

(d) Each exhaust system part with a surface hot enough to ignite flammable fluids or vapors must be located or shielded so that leakage from any system carrying flammable fluids or vapors will not result in a fire caused by impingement of the fluids or vapors on any part of the exhaust system including shields for the exhaust system.

(g) Each exhaust heat exchanger must incorporate means to prevent blockage of the exhaust port after any internal heat exchanger failure.

50. By adding new §§ 27.1141(c) and (d) to read as follows:

§ 27.1141 Powerplant controls; general.

(c) Powerplant valve controls located in the cockpit must have—

(1) For manual valves, positive stops or in the case of fuel valves suitable index provisions, in the open and closed position; and

(2) For power-assisted valves, a means to indicate to the flight crew when the valve—

(i) Is in the fully open or fully closed position; or

(ii) Is moving between the fully open and fully closed position.

(d) For turbine engine powered rotorcraft, no single failure or malfunction, or probable combination thereof, in any powerplant control system may cause the failure of any powerplant function necessary for safety.

51. By revising § 27.1145(b) to read as follows:

§ 27.1145 Ignition switches.

(b) Each group of ignition switches, except ignition switches for turbine engines for which continuous ignition is not required, and each master ignition control must have a means to prevent its inadvertent operation.



52. By revising § 27.1337(a), including its heading, to read as follows:

§ 27.1337 **Powerplant instruments.**

(a) *Instruments and instrument lines.*

(1) Each powerplant instrument line must meet the requirements of §§ 27.961 and 27.993.

(2) Each line carrying flammable fluids under pressure must—

(i) Have restricting orifices or other safety devices at the source of pressure to prevent the escape of excessive fluid if the line fails; and

(ii) Be installed and located so that the escape of fluids would not create a hazard.

(3) Each powerplant instrument that utilizes flammable fluids must be installed and located so that the escape of fluid would not create a hazard.

**PART 29—AIRWORTHINESS STANDARDS: TRANSPORT CATEGORY ROTORCRAFT**

§ 29.571 [Amended]

53. By amending § 29.571(a) by revising the parenthetical statement contained therein to read—“(the flight structure includes rotors, rotor drive systems between the engines and the rotor hubs, controls, fuselage, and their related primary attachments)”.

54. By revising § 29.901(b) (1) and adding a new § 29.901(c) to read as follows:

§ 29.901 **Installation.**

(b) . . . .

(1) The installation must comply with—

(i) The installation instructions provided under § 33.5 of this chapter; and

(ii) The applicable provisions of this subpart.

(c) For each powerplant and auxiliary power unit installation, it must be established that no single failure or malfunction or probable combination of failures will jeopardize the safe operation of the rotorcraft except that—

(1) The failure of structural elements need not be considered if the probability of such failure is extremely remote; and

(2) The failure of engine rotor discs need not be considered.

§ 29.903 [Amended]

55. By deleting §§ 29.903 (d) and (e) and marking them “[Reserved]”.

56. By adding a new § 29.908 to read as follows:

§ 29.908 **Cooling fans.**

For cooling fans that are a part of a powerplant installation the following apply:

(a) *Category A.* For cooling fans installed in category A rotorcraft, there must be means to ensure that a fan blade failure will not affect the operation of the engines or prevent continued safe flight except that the loss of cooling need not be considered.

(b) *Category B.* For cooling fans installed in category B rotorcraft, there

must be means to protect the rotorcraft and allow a safe landing if a fan blade fails. It must be shown that—

(1) The fan blade would be contained in the case of a failure;

(2) Each fan is located so that a fan blade failure will not jeopardize safety; or

(3) Each fan blade can withstand an ultimate load of 1.5 times the centrifugal force expected in service, limited by either—

(i) The highest rotational speeds achievable under uncontrolled conditions; or

(ii) An overspeed limiting device.

57. By adding a new § 29.927(c) to read as follows:

§ 29.927 **Additional tests.**

(c) It must be shown by tests that the rotor drive system is capable of operating under autorotative conditions for 15 minutes after the loss of pressure in the rotor drive primary oil system.

58. By revising § 29.965(d) (3) (i) to read as follows:

§ 29.965 **Fuel tank tests.**

(d) . . . .

(3) . . . .

(i) If no frequency of vibration resulting from any r.p.m. within the normal operating range of engine or rotor system speeds is critical, the test frequency of vibration, in number of cycles per minute, must, unless a frequency based on a more rational analysis is used, be the number obtained by averaging the maximum and minimum power-on engine speeds (r.p.m.) for reciprocating engine powered rotorcraft or 2,000 c.p.m. for turbine engine powered rotorcraft.

59. By amending § 29.991(b) by adding a sentence at the end thereof to read:

§ 29.991 **Fuel pumps.**

(b) *Emergency pumps.* . . . . Each pump used for this purpose must be activated automatically or operated continuously so that enough fuel pressure will be maintained to prevent engine stoppage.

§ 29.995 [Amended]

60. By deleting § 29.995(a) and marking it “[Reserved]”.

61. By revising § 29.1093(b) to read as follows:

§ 29.1093 **Induction system icing protection.**

(b) *Turbine engines.* (1) Each turbine engine and its air inlet system must operate throughout the flight power range of the engine (including idling), within the limitations established for the rotorcraft, without the accumulation of ice on engine or inlet system components that would adversely affect en-

gine operation or cause a serious loss of power or thrust—

(i) Under the icing conditions specified in Appendix C of Part 25 of this Chapter; and

(ii) In snow, both falling and blowing.

(2) Each turbine engine must idle for 30 minutes on the ground with the air bleed available for engine icing protection at its critical condition, without adverse effect, in an atmosphere that is at a temperature of 29 degrees F and has a liquid water content of 0.6 grams per cubic meter in the form of drops having a mean effective diameter of 40 microns, followed by a momentary operation at takeoff power or thrust.

62. By amending § 29.1121(c) by striking the last word “compartment” and inserting in place thereof the language “and auxiliary power unit compartments”; and by adding a lead-in to § 29.1121 and revising § 29.1121(b) to read as follows:

§ 29.1121 **General.**

For powerplant and auxiliary power unit installations the following apply:

(b) Each exhaust system part with a surface hot enough to ignite flammable fluids or vapors must be located or shielded so that leakage from any system carrying flammable fluids or vapors will not result in a fire caused by impingement of the fluids or vapors on any part of the exhaust system including shields for the exhaust system.

63. By adding a new § 29.1141(f) to read as follows:

§ 29.1141 **Powerplant controls: general.**

(f) Powerplant valve controls located in the cockpit must have—

(1) For manual valves, positive stops or in the case of fuel valves suitable index provisions, in the open and closed position; and

(2) For power-assisted valves, a means to indicate to the flight crew when the valve—

(i) Is in the fully open or fully closed position; or

(ii) Is moving between the fully open and fully closed position.

64. By revising § 29.1145(c) to read as follows:

§ 29.1145 **Ignition switches.**

(c) Each group of ignition switches, except ignition switches for turbine engines for which continuous ignition is not required, and each master ignition control must have a means to prevent its inadvertent operation.

§ 29.1193 [Amended]

65. By striking the term “category A” in the lead-in of § 29.1193(e).

66. By revising § 29.1195(b) to read as follows:



§ 29.1195 Fire extinguishing systems.

(b) For multiengine powered rotorcraft, the fire extinguishing system, the quantity of extinguishing agent, and the rate of discharge must—

- (1) For each auxiliary power unit and combustion equipment, provide at least one adequate discharge; and
- (2) For each other designated fire zone, provide two adequate discharges.

§ 29.1197 [Amended]

67. By amending § 29.1197 by deleting from paragraph (b) the words "methyl bromide, carbon dioxide, or any other" and inserting "any" in their place and by deleting paragraph (c).

68. By revising §§ 29.1199 (b) and (c) to read as follows:

§ 29.1199 Extinguishing agent containers.

(b) The discharge end of each discharge line from a pressure relief connection must be located so that discharge of the fire extinguishing agent would not damage the rotorcraft. The line must also be located or protected to prevent clogging caused by ice or other foreign matter.

(c) There must be a means for each fire extinguishing agent container to indicate that the container has discharged or that the charging pressure is below the established minimum necessary for proper functioning.

69. By revising § 29.1337(a), including its heading, to read as follows:

§ 29.1337 Powerplant instruments.

- (a) *Instruments and instrument lines.*
- (1) Each powerplant and auxiliary power

unit instrument line must meet the requirements of §§ 29.993 and 29.1183.

(2) Each line carrying flammable fluids under pressure must—

- (i) Have restricting orifices or other safety devices at the source of pressure to prevent the escape of excessive fluid if the line fails; and
- (ii) Be installed and located so that the escape of fluids would not create a hazard.

(3) Each powerplant and auxiliary power unit instrument that utilizes flammable fluids must be installed and located so that the escape of fluid would not create a hazard.

PART 33—AIRWORTHINESS STANDARDS; AIRCRAFT ENGINES

70. By revising § 33.15 to read as follows:

§ 33.15 Materials.

The suitability and durability of materials used in the engine must—

- (a) Be established on the basis of experience or tests; and
- (b) Conform to approved specifications (such as industry or military specifications, or Technical Standard Orders) that ensure their having the strength and other properties assumed in the design data.

71. By amending § 33.17(a) by striking the words "the engine" and inserting the words "reciprocating engines" in place thereof; and by adding a new § 33.17(f) to read as follows:

§ 33.17 Fire prevention.

- (f) The design and construction of turbine engines must minimize the probability of the occurrence of an internal

fire that could result in structural failure, overheating, or other hazardous condition.

PART 35—AIRWORTHINESS STANDARDS; PROPELLERS

72. By revising § 35.17 to read as follows:

§ 35.17 Materials.

The suitability and durability of materials used in the propeller must—

- (a) Be established on the basis of experience or tests; and
- (b) Conform to approved specifications (such as industry or military specifications, or Technical Standard Orders) that ensure their having the strength and other properties assumed in the design data.

73. By revising § 35.35 to read as follows:

§ 35.35 Blade retention test.

The hub and blade retention arrangement of propellers with detachable blades must be subjected to a centrifugal load of twice the maximum centrifugal force to which the propeller would be subjected during operations within the limitations established for the propeller. This may be done by either a whirl test or a static pull test.

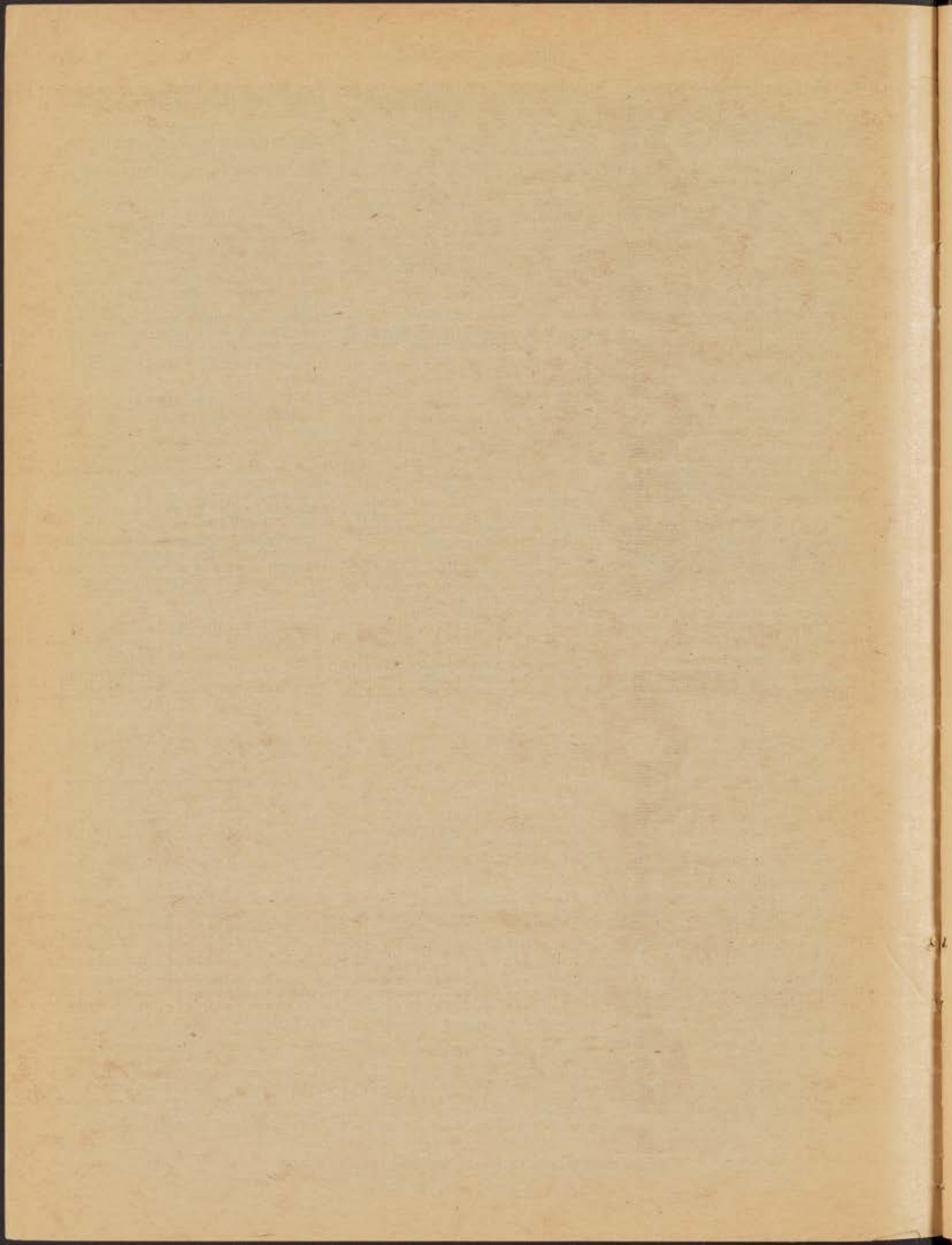
The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Issued in Washington, D.C. on March 10, 1977.

JOHN L. McLUCAS,  
Administrator.

[FR Doc.77-7868 Filed 3-16-77;8:45 am]







**register**  
**federal**

**THURSDAY, MARCH 17, 1977**

**PART IV**



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**DEPARTMENT  
OF STATE**

■  
**FISHERY CONSERVATION  
AND MANAGEMENT**

**Applications For Permits to Fish Off  
Coasts of the United States**



## DEPARTMENT OF STATE

[Public Notice 530]

## FISHERY CONSERVATION AND MANAGEMENT

## Applications for Permits to Fish Off Coasts of the United States

The Fishery Conservation and Management Act of 1976 (Pub. L. 94-265) (the "Act") provides that no fishing shall be conducted by foreign fishing vessels in the Fishery Conservation Zone of the United States after February 23, 1977, except in accordance with a valid and applicable permit issued pursuant to section 204 of the Act.

The Act also requires that all applications for such permits be published in the FEDERAL REGISTER.

An additional Application for fishing beginning March 1, 1977, has been received from the Union of Soviet Socialist Republics, and is published herewith.

Dated: March 11, 1977.

ALBERT L. ZUCCA,  
*Director, Office of Fisheries Affairs.*



THE UNITED STATES OF AMERICA  
DEPARTMENT OF COMMERCE  
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

APPLICATION FOR VESSEL PERMITS TO FISH WITHIN THE  
FISHERY CONSERVATION ZONE OF THE UNITED STATES, OR  
FOR ANADROMOUS SPECIES OR CONTINENTAL SHELF  
FISHERY RESOURCES

DATE \_\_\_\_\_ APPLICATION NO. UR-77-0237  
for use of Issuing Office \_\_\_\_\_

In accordance with the provision of Section 204 of the  
Fishery Conservation and Management Act of 1976, (16 U.S.C.  
1801-1802), and the governing international fisheries agree-  
ment entered into with the Government of the United States of  
America, which entered into force on \_\_\_\_\_ date

the government (or competent authority) of \_\_\_\_\_  
USSR  
hereby submits this application for permits for fishing ves-  
sels under its jurisdiction to fish within the fishery con-  
servation zone of the United States, or beyond that zone for  
anadromous species or Continental Shelf fishery resources  
subject to the jurisdiction of the United States.

The following information is submitted in support of  
this application (See additional sheets as required).

A completed Fishing Vessel Identification Form for each  
permit that is requested; and a compilation of data contained  
in questions 5 and 10 in the attached Fishing Vessel Identifi-  
cation Form.

Submitted \_\_\_\_\_ Date \_\_\_\_\_  
Denis Sokolov  
Signature of Authorized  
Official  
Deputy Chief  
Title

45. Communications: VHF-MF ( + ), AM/SSB, Voice ( + ) UR-77-0237  
Telegraphy ( + ) Other \_\_\_\_\_  
International Radio Call Sign DDDB  
Radio Frequency a Monitored 500, 512, 5680, 8360, 2.8K, 3023.5 MHz, 15.8  
Other Working Frequencies 425, 450, 478, 480 kHz

Schedule 2A2, 1A2N, 01A1, F3

16. Navigation Equipment: Loran C ( ) Loran A ( + )  
Omega ( ) Decca ( + ) Navsat ( )  
Radar ( + ) Fathometer ( )  
Other Passive equipment (PAG-P)

17. Cargo Capacity (MT) 10500  
Salted Fish \_\_\_\_\_ Fresh Fish \_\_\_\_\_  
Frozen Fish \_\_\_\_\_ Fish Meal \_\_\_\_\_  
Other \_\_\_\_\_

18. Cargo Space  
Number 5 x 3 Name \_\_\_\_\_  
Dry Hold \_\_\_\_\_  
Tanks Fuel Oil Tanks  
Other \_\_\_\_\_

FISHING VESSEL IDENTIFICATION FORM (FOROION)

Permit Period Applied For April - December 1977  
Application No UR-77-0237  
For Use of Issuing Office \_\_\_\_\_  
State USSR

1. Name of Vessel KANWAS  
2. Vessel No: Hull No \_\_\_\_\_ Registration No U-1450  
3. Name and Address of Owner  
Name Latviyskoye Morskoye Parochodstvo  
Address Padonjs Bulv. 2  
Riga, USSR  
Name and Address of Charterer \_\_\_\_\_  
Lenin St 36, Riga, USSR

4. Homeport and State of Registry Riga, USSR  
5. Type of Vessel Tanker  
6. Tonnage (Gross) 8229 Net 3942  
7. Length 145.5m 8. Breadth 10.4m 9. Draught 8.5m  
10. Horsepower 5000 shp 11. Maximum Speed 11 kt  
12. Propulsion: Diesel ( + ) Steam ( ) Diesel/electric ( )  
Other \_\_\_\_\_  
13. Date Built 1960  
14. Number and Nationality of Personnel 37, USSR  
Officers 14 Crew 23 Other (Specify, \_\_\_\_\_)

19. Processing Equipment (indicate daily capacity, MT) UR-77-0237

20. Fisheries for which Permit is Requested  
Ocean Area 5-6 Period April-  
(From-to) December Species Contemplated \_\_\_\_\_ Gear to be \_\_\_\_\_  
Catch (MT) \_\_\_\_\_ Used \_\_\_\_\_

21. Name and Address of Agent Appointed to Receive Any Legal Process  
Issued in the United States

USFWS 77 "Application" 308 200

[FR Doc. 77-7838 Filed 3-16-77; 8 45 am]



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_____	Volume III (contains systems of records and rules for Department of Agriculture, Department of Health, Education, and Welfare, and Department of the Treasury)	9.75	_____
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