

WEDNESDAY, APRIL 27, 1977



Federal Register

highlights

"THE FEDERAL REGISTER—WHAT IT IS AND HOW TO USE IT"

Reservations for June are being accepted for the free weekly workshops on how to use the FEDERAL REGISTER. The sessions are held at 1100 L St. N.W., Washington, D.C. in Room 9409, from 9 to 11:30 a.m.

Each session includes a brief history of the FEDERAL REGISTER, the difference between legislation and regulations, the relationship of the FEDERAL REGISTER to the Code of Federal Regulations, the elements of a typical FEDERAL REGISTER document, and an introduction to the finding aids.

FOR RESERVATIONS call: Dean Smith, 202-523-5282. OUT OF TOWN WORKSHOPS PREVIOUSLY ANNOUNCED Denver, Colo., 5-19, 5-20.

(Details: 42 FR 20208, 4-18-77.)

For reservations call: Ida Martinez or Velita Bonney at 303-234-2216.

SUNSHINE ACT MEETINGS..... 21554

MEMORIAL DAY, PRAYER FOR PEACE

Presidential proclamation..... 21467

ENERGY CONSERVATION FOR APPLIANCES

FEA proposes to prescribe test procedures for water heaters, television receivers, refrigerators, refrigerator-freezers, freezers and clothes dryers; comments by 6-15-77; hearings on 6-13 and 6-14-77 (4 documents) (Part II of this issue)..... 21576, 21580, 21584, 21589

TRAFFIC CONTROL DEVICES

DOT/FHWA issues advanced notice of proposed rule-making on time table for conversion to metric system; comments by 6-13-77..... 21487

FEDERAL ELECTIONS

FEA announces availability of advisory opinion requests (Part III of this issue)..... 21595

FISHERY CONSERVATION AND MANAGEMENT ACT, 1976

State publishes applications for fishing permits from the Republic of Korea (Part IV of this issue)..... 21599

CONTINUED INSIDE

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

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

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

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

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

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

federal register

Phone 523-5240

Area Code 202



Published daily, Monday through Friday (no publication on Saturdays, Sundays, or on official Federal holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The FEDERAL REGISTER provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive orders and Federal agency documents having general applicability and legal effect, documents required to be published by Act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for \$5.00 per month or \$50 per year, payable in advance. The charge for individual copies is 75 cents for each issue, or 75 cents for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

INFORMATION AND ASSISTANCE

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

FEDERAL REGISTER, Daily Issue:

Subscription orders (GPO).....	202-783-3238
Subscription problems (GPO).....	202-275-3050
"Dial - a - Regulation" (recorded summary of highlighted documents appearing in next day's issue).	202-523-5022
Scheduling of documents for publication.	523-5220
Copies of documents appearing in the Federal Register.	523-5240
Corrections.....	523-5286
Public Inspection Desk.....	523-5215
Finding Aids.....	523-5227
Public Briefings: "How To Use the Federal Register."	523-5282
Code of Federal Regulations (CFR).....	523-5266
Finding Aids.....	523-5227

PRESIDENTIAL PAPERS:

Executive Orders and Proclamations.	523-5233
Weekly Compilation of Presidential Documents.	523-5235
Public Papers of the Presidents....	523-5235
Index.....	523-5235

PUBLIC LAWS:

Public Law dates and numbers.....	523-5237
Slip Laws.....	523-5237
U.S. Statutes at Large.....	523-5237
Index.....	523-5237
U.S. Government Manual.....	523-5230
Automation.....	523-5240
Special Projects.....	523-5240

HIGHLIGHTS—Continued

PRIVACY ACT

Postal Service exempts certain systems of records; effective 4-27-77..... 21470

GOVERNMENT IN THE SUNSHINE

TVA clarifies regulations; effective 4-27-77..... 21470

MODEL PROJECTS ON AGING

HEW/HDO announces acceptance of applications for grants for FY 1977; closing dates 5-20 and 7-1-77..... 21522

ECONOMIC OPPORTUNITY ACT OF 1964

CSA continues use of non-Federal share waiver policy for FY 1977 grants and issues procedures for applying for waivers; effective 4-27-77..... 21485

UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES

Justice revises regulations; effective 4-27-77..... 21474

MEETINGS—

USDA/CSRS: Committee of Nine, 6-2 and 6-3-77.... 21500

Commerce/DIBA: Management-Labor Textile Advisory Committee, 5-17-77..... 21504

ERDA: Geothermal Energy Advisory Committee Resource Subcommittee, 4-12-77..... 21508

FEA: Members of Various Advisory Committees,

5-13-77..... 21509

HEW/NIH: Cancer Treatment Division, 6-14-77..... 21520

Clinical Trials Review Committee, 5-23 thru 5-25-77..... 21521

Mammalian Cell Lines Committee, 6-14 and 6-15-77..... 21521

National Commission on Digestive Diseases, 6-1-77..... 21521

National Diabetes Advisory Board, 5-19 and 5-20-77..... 21521

Primate Research Centers Advisory Committee, 6-15-77..... 21522

Recombinant DNA Molecule Program Advisory Committee, 5-14 and 5-15-77..... 21522

CHANGED MEETINGS—

HEW/NIH: Cancer Control and Rehabilitation Advisory Committee, 5-3-77..... 21520

Clearinghouse on Environmental Carcinogens, 5-31-77 (entire session open to public)..... 21520

SEPARATE PARTS OF THIS ISSUE

Part II, FEA..... 21575

Part III, FEC..... 21595

Part IV, State..... 21599

contents

THE PRESIDENT

- Proclamations
Memorial Day, prayer for peace... 21467

EXECUTIVE AGENCIES

AGENCY FOR INTERNATIONAL DEVELOPMENT

- Notices
Authority delegations:
Indonesia, Mission Director:
contracts and grants..... 21530

AGRICULTURAL MARKETING SERVICE

- Rules
Grapefruit; imported..... 21469
Oranges, grapefruit, tangerines,
and tangelos grown in Fla..... 21469
Proposed Rules
Celery grown in Fla..... 21487

AGRICULTURE DEPARTMENT

- See also Agricultural Marketing Service; Cooperative State Research Service; Forest Service.
Notices
Committees; establishment, renewals, etc.:
Agricultural Policy Advisory Committee for Trade Negotiations et al..... 21501

CIVIL AERONAUTICS BOARD

- Proposed Rules
Military transportation; exemption of air carriers; policy statement:
Rates, minimum; applicability to foreign and overseas air transportation services; supplemental notice..... 21487
Notices
Hearings, etc.:
Continental Air Lines, Inc..... 21503
International Air Transport Association (3 documents)..... 21501, 21503, 21504

COMMERCE DEPARTMENT

- See also Domestic and International Business Administration; National Oceanic and Atmospheric Administration; National Technical Information Service.
Notices
Watches and watch movements:
Allocation of quotas; Virgin Islands; new entrant announcement..... 21506
COMMUNITY SERVICES ADMINISTRATION
Rules
Community Action Programs:
Financial management, grantee; non-Federal share contribution, waiver criteria..... 21485

CONSUMER PRODUCT SAFETY COMMISSION

- Notices
Architectural glazing materials; advisory opinion..... 21507

COOPERATIVE STATE RESEARCH SERVICE

- Notices
Meetings:
Committee of Nine..... 21500

COPYRIGHT OFFICE, LIBRARY OF CONGRESS

- Notices
Performance rights in sound recordings; inquiry..... 21527

CUSTOMS SERVICE

- Notices
Countervailing duty petitions and preliminary determinations:
Leather wearing apparel from Argentina..... 21530
Leather wearing apparel from Republic of Korea..... 21531
Leather wearing apparel from Uruguay..... 21531
Privacy Act; systems of records..... 21532

DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION

- Notices
Meetings:
Management-Labor Textile Advisory Committee..... 21504

ELECTRONIC FUND TRANSFERS, NATIONAL COMMISSION

- Notices
Electronic fund transfer system; competitive impact on financial and nonfinancial institutions; inquiry..... 21529

EMERGENCY NATURAL GAS ACT OF 1977, ADMINISTRATOR

- Notices
Emergency orders, etc.:
Texaco Inc., et al..... 21500

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

- Notices
Meetings:
Geothermal Energy Advisory Committee, Resource Subcommittee..... 21508

ENVIRONMENTAL PROTECTION AGENCY

- Rules
Air quality implementation plans; various States, etc.:
Utah (2 documents)..... 21471, 21472
Proposed Rules
Air quality implementation plans; various States, etc.:
California..... 21488
Notices
Environmental statements; availability of agency comments..... 21490

- Pesticide enforcement policy statements:
Aerial application of certain pesticides..... 21496

FEDERAL COMMUNICATIONS COMMISSION

- Notices
Television, commercial; network practices, inquiry; extension of time..... 21508

FEDERAL ELECTION COMMITTEE

- Notices
Advisory opinion requests..... 21595

FEDERAL ENERGY ADMINISTRATION

- Proposed Rules
Energy conservation program; appliances:
Clothes dryers..... 21589
Refrigerators, refrigerator-freezers, and freezers..... 21584
Television receivers..... 21580
Water heaters..... 21576

Notices

- Meetings:
Advisory Committees..... 21509
Powerplants burning natural gas or petroleum products, prohibition orders:
Iowa Public Service Co..... 21509

FEDERAL HIGHWAY ADMINISTRATION

- Proposed Rules
Traffic control devices, uniforms, manual; metric standards; inquiry..... 21487

FEDERAL HOME LOAN BANK BOARD

- Notices
Applications, etc.:
Skokie Federal Savings & Loan Association..... 21510

FEDERAL MARITIME COMMISSION

- Rules
Reports, filing by common carriers in domestic offshore trade; rate base and income account; records and data submission requirements withdrawn..... 21486

Notices

- Agreements filed, etc.:
Puerto Rico Maritime Shipping Authority et al..... 21510
Tulsa Port of Catoosa et al..... 21510
United States/Europe Discussion Agreement..... 21510
Gulf ports, equalization, absorption, and minibridge; petition..... 21511

FEDERAL POWER COMMISSION

- Notices
Hearings, etc.:
Blountstown, City of, Florida... 21513
Columbia Gas Transmission Corp. (3 documents).... 21513-21515
Columbia Gulf Transmission Co..... 21514
Delmarva Power & Light Co... 21515
Distrigas Corp. et al..... 21511
El Paso Natural Gas Co..... 21516

CONTENTS

Florida Power & Light Co.....	21516	Notices	
Indianapolis Power & Light Co..	21517	Watches and watch movements:	
Iowa Electric Light & Power Co..	21517	Allocation of quotas; Virgin	
Lake Superior District Power		Islands; cross reference; new	
Co.....	21517	entrant announcement.....	21527
Martin Exploration Co.....	21518	INTERSTATE COMMERCE COMMISSION	
Mississippi Power & Light Co....	21518	Notices	
Public Service Co. of New Mexi-		Fourth section applications for re-	
co.....	21518	lief.....	21553
South Texas Natural Gas		Hearing assignments.....	21534
Gathering Co.....	21518	Motors carriers:	
Southern Natural Gas Co.....	21519	Irregular route property carri-	
Southwest Gas Corp.....	21519	ers; gateway elimination....	21534
Tallahassee, City of, Florida....	21513		
FISCAL SERVICE		JUSTICE DEPARTMENT	
Notices		Rules	
Surety companies acceptable on		Property management; reloca-	
Federal bonds:		tion assistance and real prop-	
Indiana Bonding & Surety Co....	21533	erty acquisition policies, uni-	
FOREST SERVICE		form.....	21474
Notices		Relocation assistance and real	
Environmental statements; avail-		property acquisition policies,	
ability, etc.:		uniform; revoked.....	21470
Tongass National Forest, Deer		LAND MANAGEMENT BUREAU	
Island Unit Management		Notices	
Plan, Alaska.....	21500	Applications, etc.:	
GENERAL ACCOUNTING OFFICE		New Mexico (3 documents)....	21526
Notices		Withdrawal and reservation of	
Regulatory reports review; pro-		lands, proposed, etc.:	
posals, approvals, etc.....	21520	Alaska.....	21525
HEALTH, EDUCATION, AND WELFARE		Idaho (2 documents).....	21525, 21526
DEPARTMENT		LIBRARY OF CONGRESS	
See Human Development Office;		See Copyright Office.	
National Institutes of Health.		NATIONAL CAPITAL PLANNING	
HEARINGS AND APPEALS OFFICE,		COMMISSION	
INTERIOR DEPARTMENT		Notices	
Notices		Citizen participation and inter-	
Applications, etc.:		governmental liaison; proce-	
Monarch Coals, Inc.....	21526	dures.....	21528
Republic Steel Corp.....	21527	NATIONAL INSTITUTES OF HEALTH	
HUMAN DEVELOPMENT OFFICE		Notices	
Notices		Committees; establishment, re-	
Grants, model projects FY 1977..	21522	newals, etc.:	
INTERIOR DEPARTMENT		Clinical Trials Committee et al.	21521
See also Hearings and Appeals		Meetings:	
Office; Land Management Bu-		Cancer Control and Rehabilita-	
reau.		tion Advisory Committee.....	21520
		Cancer Treatment Divi-	
		sion; Clinical Investigations	
		Branch.....	21520
		Clearinghouse on Environmen-	
		tal Carcinogens, Data Evalu-	
		ation Subgroup.....	21520
		Clinical Trials Review Commit-	
		tee.....	21521
		Diabetes Advisory Board, Na-	
		tional.....	21521
		Digestive Diseases National	
		Commission.....	21521
		Mammalian Cell Lines Com-	
		mittee.....	21521
		Primate Research Centers Advi-	
		sory Committee.....	21522
		Recombinant DNA Molecule	
		Program Advisory Commit-	
		tee.....	21522
		NATIONAL OCEANIC AND ATMOSPHERIC	
		ADMINISTRATION	
		Proposed Rules	
		Financial aid to fisheries:	
		Fishing vessel obligation guar-	
		antee program procedures....	21489
		NATIONAL TECHNICAL INFORMATION	
		SERVICE	
		Notices	
		Inventions, Government-owned;	
		availability for licensing.....	21504
		POSTAL RATE COMMISSION	
		Notices	
		Mail classification, 1976 schedule.	21530
		POSTAL SERVICE	
		Rules	
		Privacy Act; implementation....	21470
		STATE DEPARTMENT	
		See also Agency for International	
		Development.	
		Notices	
		Fishing permits, applications:	
		Korea, Republic of.....	21599
		TENNESSEE VALLEY AUTHORITY	
		Rules	
		Sunshine Act; implementation....	21470
		TEXTILE AGREEMENTS IMPLEMENTATION	
		COMMITTEE	
		Notices	
		Man-made textiles:	
		Mexico.....	21506
		TRANSPORTATION DEPARTMENT	
		See Federal Highway Administra-	
		tion.	
		TREASURY DEPARTMENT	
		See Customs Service; Fiscal Serv-	
		ice.	

list of cfr parts affected in this issue

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, follows beginning with the second issue of the month. A Cumulative List of CFR Sections Affected is published separately at the end of each month. The guide lists the parts and sections affected by documents published since the revision date of each title.

3 CFR		28 CFR	
PROCLAMATIONS:		52.....	21470
4504.....	21467	39 CFR	
7 CFR		266.....	21470
905.....	21469	40 CFR	
944.....	21469	52 (2 documents).....	21471, 21472
PROPOSED RULES:		PROPOSED RULES:	
967.....	21487	52.....	21488
10 CFR		41 CFR	
PROPOSED RULES:		128-18.....	21474
430 (4 documents).....	21576, 21580, 21584, 21589	45 CFR	
14 CFR		1068.....	21485
PROPOSED RULES:		46 CFR	
288.....	21487	514.....	21486
399.....	21487	50 CFR	
18 CFR		PROPOSED RULES:	
301.....	21470	255.....	21489
23 CFR			
PROPOSED RULES:			
Ch. I.....	21487		

CUMULATIVE LIST OF PARTS AFFECTED DURING APRIL

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during April.

1 CFR		7 CFR—Continued		12 CFR—Continued	
Ch. I.....	17413	PROPOSED RULES—Continued		720.....	18057
3 CFR		730.....	17457	760.....	20114
PROCLAMATIONS:		908.....	17457, 17879	PROPOSED RULES:	
852 (See PLO 5615).....	18859	918.....	18621	208.....	20477
4485 (See Proc. 4495).....	18053	929.....	20143	217.....	19350
4495.....	18053	945.....	19148, 20476	226.....	20478
4496.....	18855	953.....	20825, 21111	309.....	19351
4497.....	19315	959.....	18404	329.....	21112
4493.....	19317	967.....	17458	526.....	18404
4499.....	19319	989.....	17463	545.....	17483
4500.....	19475	1002.....	18950	561.....	17483
4501.....	20111	1006.....	20143	611.....	19888
4502.....	20281	1068.....	19350	615.....	19888
4503.....	21085	1260.....	19885	618.....	19888
4504.....	21467	1421.....	19149		
MEMORANDUMS:		1425.....	19149	13 CFR	
April 1, 1977.....	18269	1446.....	20302	108.....	18388
February 19, 1977.....	21087	1464.....	20476	112.....	20286
April 1, 1977.....	21089	1804.....	20825	121.....	20457
		1822.....	20302		
4 CFR		8 CFR		14 CFR	
415.....	18857	100.....	17434	39.....	17865-17868,
5 CFR		211.....	19477		18388-18390, 18857, 18858, 20114,
213.....	17411,	223a.....	19477		20115, 20617, 20618, 21102, 21103
17414, 18082, 18607, 18608,	19147,	9 CFR		61.....	18390
19853, 19854, 20809, 20810		72.....	19854	71.....	17868,
430.....	18608	73.....	20812		17869, 18859, 20116, 20618-20623,
713.....	19147	78.....	17434		21103
PROPOSED RULES:		82.....	20812, 21269	75.....	20623, 20624
552.....	19882	92.....	20813	97.....	18391, 20117, 20624
7 CFR		97.....	21269	101.....	19478
29.....	21091	331.....	18609	121.....	18394
75.....	19864	381.....	18609	123.....	18394
230.....	18587	PROPOSED RULES:		135.....	18394
245.....	20810	76.....	20825	207.....	20118
272.....	20283	10 CFR		208.....	20119
354.....	18587	0.....	20138	221.....	19125, 20458
722.....	17414, 18055	20.....	20138	241.....	20286
723.....	17414	50.....	20139	296.....	20119
728.....	17419, 20810	51.....	18387	300.....	17436
729.....	17419	140.....	20139	385.....	20120
775.....	17420	211.....	21269	1206.....	17869
794.....	17421	213.....	20813	PROPOSED RULES:	
905.....	18271, 21469	PROPOSED RULES:		25.....	21202
907.....	18387, 19477, 20113, 20626	9.....	20145	33.....	21202
908.....	20473, 20811, 21100	211.....	19499, 20826	39.....	17879,
910.....	17420, 21267	212.....	19499		17880, 18405, 18861, 20145, 20146
918.....	18055, 18587, 19865, 20811, 21267	213.....	17470	71.....	18861, 19491, 20147, 20634, 21112
928.....	21267	420.....	20302	121.....	21202
944.....	17422	430.....	19499,	183.....	18407
944.....	18271, 21469		21576, 21580, 21584, 21589	221.....	19355
981.....	19321	440.....	17470, 20476	268.....	18282, 21487
991.....	18857	450.....	20012, 20557	302.....	17484
1063.....	17423	791.....	20831	399.....	18282, 21487
1070.....	17423	11 CFR		15 CFR	
1078.....	17423	Ch. I.....	19324	371.....	18397
1079.....	17423	12 CFR		376.....	18398
1260.....	19865	203.....	19123	377.....	18398
1421.....	18055	208.....	20815	386.....	18401
1472.....	20113	217.....	20284	932.....	19854
1822.....	21268	226.....	17865, 18056, 19124, 20455	PROPOSED RULES:	
1888.....	19322	329.....	19324, 21101, 21272	803.....	19888
1918.....	20284	342.....	19325	806.....	19888
1955.....	21268	600.....	20617	16 CFR	
PROPOSED RULES:		611.....	20617	13.....	18057,
7.....	20628	614.....	20457		19480-19487, 20287-20290, 20816,
Ch. VII.....	19885	619.....	20457		21273
728.....	17456			28.....	19860

FEDERAL REGISTER

16 CFR—Continued

64	19860
149	19860
193	19860
220	19860
433	19487
502	18057
703	20290
1500	18850, 21274
1700	20291

PROPOSED RULES:

438	20303
1500	20479
1700	20148, 20303

17 CFR

240	19126
-----	-------

PROPOSED RULES:

1	18246
32	18246
240	18621

18 CFR

3	17448
3c	17448, 20459
201	20817
260	20292
295	19860
301	21470

PROPOSED RULES:

101	20303
104	20303
141	20303
260	20303
295	19154, 19895, 21104
1000	21104

19 CFR

159	18587, 19127, 19326, 19327
-----	----------------------------

20 CFR

210	18058
404	18272
405	18274
416	17440

PROPOSED RULES:

404	17484, 17881
405	17485
602	17486, 20312
655	20312

21 CFR

10	19127
12	19127
25	19990
105	20292
135	19127, 19134
175	18610
177	18611
330	19137
430	19142
436	18058, 21274
442	18058
444	18059, 21274
510	18059, 18060, 18614, 19860
520	19143, 19860
522	20817
539	21276
540	19861
544	21276
556	18614, 18619
558	18059
	18060, 18614, 18619, 19143, 20817, 21281
561	18620

21 CFR—Continued

PROPOSED RULES—Continued

601	19142, 19993
701	18061
1002	18061
1010	18061

PROPOSED RULES:

109	17487
131	21295
145	19996
150	19996
172	19996
180	19996
189	19996
201	19156
250	20313
310	19996
330	19156
342	17642
430	19996
431	18621
510	19996
514	18621
589	19996
700	19996
1020	17494
1040	17495

22 CFR

46	19478
6a	18063, 18064
51	17869, 18588
1004	20460

23 CFR

1004	20460
------	-------

PROPOSED RULES:

Ch. I	21487
-------	-------

24 CFR

18	20297
203	17452
207	17452
220	17452
570	20250
890	18064
1914	19446-19452, 19598-19600, 20121
1915	19601-19603
3500	19327

PROPOSED RULES:

888	21206
1917	17684-17697, 18238-18240

25 CFR

12	21281
153	21281

PROPOSED RULES:

171	18083
172	18083
173	18083
177	18083
182	18083
183	18083
260	20480

26 CFR

1	20123
7	17870, 18275, 19479
11	20297
31	17873
33	17873
34	21106
404	17452, 19144, 19479

26 CFR—Continued

PROPOSED RULES:

1	18621
---	-------

27 CFR

178	20818
181	20818

28 CFR

16	19145
52	21470

29 CFR

94	20906
97	20906
675	18064
678	18065
694	18588

PROPOSED RULES:

1910	21301
2608	20156
2611	20158

30 CFR

75	18859
211	18065, 18068, 18071

PROPOSED RULES:

75	21295
77	21295
211	18862
601	20837

31 CFR

10	20635
51	18362, 19479, 20298
530	18073

32 CFR

199	17972
287a	20298
581	17441
723	18276
724	18589

PROPOSED RULES:

290	19356
505	18863, 20314

33 CFR

87	18401, 20625
110	17874
127	19490
183	20242

PROPOSED RULES:

155	21190
164	17889
207	21300
209	18863

35 CFR

7	17874
---	-------

36 CFR

7	20462
221	17875

39 CFR

199	17972
221	18859
222	18859
224	18859
232	17443
266	21470
3001	18075

FEDERAL REGISTER

39 CFR—Continued

PROPOSED RULES:
 111-----18754
 3001-----20639

40 CFR

51-----19861
 52-----17876,
 20130-20132, 20462, 21471, 21472
 86-----20463
 180-----17443
 415-----17443
 421-----17444
 434-----21380
 1517-----20818

PROPOSED RULES:

52-----17496-17498,
 19359, 20480, 21113, 21488
 128-----20314
 180-----17499
 403-----20314
 700-----19298
 710-----19298
 750-----20640

41 CFR

4-12-----20464
 4-18-----20465, 20466
 60-250-----19145
 60-741-----19145
 101-38-----19328
 128-18-----21474
 1500-----18111

42 CFR

122-----18279, 18606
 123-----18607

PROPOSED RULES:

35-----17500
 59-----18947
 101-----17501

43 CFR

423-----19610
 6010-----20625

PUBLIC LAND ORDERS:

1127 (Revoked in Part by PLO
 5615)-----18859
 5614-----18401
 5615-----18859

PROPOSED RULES:

2610-----18100
 2850-----20315

45 CFR

103-----17444
 115-----18279

45 CFR—Continued

121f-----20298
 116c-----19286
 235-----17877
 614-----17447
 1005-----19329
 1050-----17447, 18034
 1060-----21108
 1067-----18402, 21292
 1068-----20468, 21485

PROPOSED RULES:

100a-----18542, 18584, 18864
 100b-----18542, 18584
 100c-----18542, 18584
 104-----18542, 18584
 105-----18542, 18584
 115-----18282
 144-----18738, 20803
 160f-----17700, 19161
 168-----18743, 20803
 173-----17889
 175-----18738, 20803
 176-----18738, 20803
 178-----18747, 20803
 178a-----18750, 20803
 189-----18282
 190-----18738, 20803
 192-----18407
 194-----18864
 195-----18865
 198-----18283

46 CFR

514-----21486

PROPOSED RULES:

10-----21190
 12-----21190
 30-----21190
 31-----21190
 35-----21190
 70-----21190
 90-----21190
 98-----21190
 105-----21190
 148-----17889
 151-----21190
 157-----21190
 401-----20162

47 CFR

0-----20133, 21292
 2-----20469
 15-----20472

47 CFR—Continued

73-----18280, 20820, 21109
 76-----19329, 20133, 20134
 81-----19862
 83-----20135, 20300
 87-----20137, 20469
 89-----20259
 91-----20264
 93-----20269

PROPOSED RULES:

61-----21113
 63-----20317
 73-----18286,
 18287, 19160, 19491, 20152, 20153,
 20317-20319, 20643, 20644, 21301
 76-----17502, 18103, 19492
 81-----18408
 87-----19498
 97-----18103

49 CFR

301-----18081
 385-----18077
 386-----18077
 391-----18081
 1033-----17447, 17448, 18081, 21293, 21294
 1080-1085-----21110
 1254-----19146

PROPOSED RULES:

Ch. II-----19359
 172-----17891
 173-----18409
 175-----17891
 178-----18409
 193-----20776
 195-----18412
 218-----20154
 395-----17891
 396-----18103
 531-----18413
 537-----18867
 1057-----21114

50 CFR

10-----21110
 33-----20301, 20824
 611-----18607
 661-----21412

PROPOSED RULES:

17-----18106, 18109, 18287, 20644
 255-----21489
 651-----20156

FEDERAL REGISTER PAGES AND DATES—APRIL

Pages	Date	Pages	Date
17413-17864	Apr. 1	19853-20109	15
17865-18052	4	20111-20279	18
18053-18268	5	20281-20454	19
18269-18386	6	20455-20616	20
18387-18585	7	20617-20807	21
18587-18854	8	20809-21084	22
18855-19122	11	21085-21265	25
19123-19313	12	21267-21466	26
19315-19473	13	21467-21602	27
19475-19852	14		

reminders

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

Rules Going Into Effect Today

HEW/HDO—Developmental Disabilities program; regulations on grants to States, nonprofit agencies, colleges, and other organizations..... 5272; 1-27-77

Next Week's Deadlines for Comments On Proposed Rules

CIVIL AERONAUTICS BOARD

Exemption of air carriers for military transportation; minimum rates; reply comments by 5-6-77..... 18282; 4-6-77

COMMUNITY SERVICES ADMINISTRATION

Civil rights program; funding eligibility requirements; comments by 5-6-77. 18378; 4-6-77

DEFENSE DEPARTMENT

Engineers Corps—
Engineering and design; technical and engineering assistance to non-Federal public interests on shore and streambank erosion; comments by 5-5-77..... 15342; 3-21-77

ENVIRONMENTAL PROTECTION AGENCY

Asbestos, emission standards; comments by 5-2-77..... 12122; 3-2-77
Basic oxygen process furnaces; standards of performance; comments by 5-2-77..... 12130; 3-2-77

District of Columbia; revision to State implementation plan; comments by 5-2-77..... 17496; 4-1-77

Pesticide programs; reformatting of tolerance regulations; comments by 5-1-77..... 47076; 10-27-76

Pesticides; tolerances in or on raw agricultural commodities; oxytetracycline; comments by 5-2-77..... 17499; 4-1-77

Pretreatment standards for existing and new sources of pollution; comments by 5-3-77..... 6476; 2-2-77

Virginia; revision to State implementation plan; comments by 5-2-77. 17498; 4-1-77

Water pollution; general pretreatment regulations; comments by 5-3-77. 13843; 3-14-77

ENVIRONMENTAL QUALITY COUNCIL

Guidelines for preparation of environmental impact statements; comments by 5-5-77..... 18111; 4-5-77

FEDERAL COMMUNICATIONS COMMISSION

Cable television services; monitoring of signal leakage; comments by 5-2-77. 17502; 4-1-77

FM broadcast station in Palm Springs, Calif.; change in table of assignments; comments by 5-2-77..... 16450; 3-28-77

Prime time access rule; top 50 market standard; reply comments by 5-2-77. 10860; 2-24-77

FEDERAL DEPOSIT INSURANCE CORPORATION

Insured State nonmember banks, and certain of their subsidiaries, departments and divisions which are municipal securities dealers; comments by 5-2-77..... 16823; 3-30-77

FEDERAL HOME LOAN BANK BOARD

Federal Savings and Loan System and Federal Savings and Loan Insurance Corp.; certain loans in excess of 90 percent of value and definition of "scheduled items"; comments by 5-2-77..... 17483; 4-1-77

FEDERAL RESERVE SYSTEM

State member banks and bank holding companies and certain of their subsidiaries, departments, and divisions which are municipal securities dealers; comments by 5-2-77..... 16821; 3-30-77

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

Education Office—
School assistance in federally affected areas; payments under State equalization programs; comments by 5-6-77..... 15540; 3-22-77
Women's Educational Equity Act Program; comments by 5-2-77. 17700; 5-2-77

Food and Drug Administration—
Issuance of publicity by FDA, practice and procedures; comments by 5-3-77..... 12436; 3-4-77

INTERIOR DEPARTMENT

Fish and Wildlife Service—
Injurious wildlife; importation and shipment requirements; comments by 5-6-77..... 12972; 3-7-77

LABOR DEPARTMENT

Employment and Training Administration—
Temporary alien certification program, 1977 adverse effect rates; comments by 5-2-77..... 20314; 4-19-77
[First published at 42 FR 17486, April 1, 1977]

LIBRARY OF CONGRESS

Copyright Office—
Warning of copyright for use by libraries and archives; comments by 5-6-77..... 16838; 3-30-77

NATIONAL CREDIT UNION ADMINISTRATION

Organization and operation of Federal Credit Unions; Share Draft Programs; comments by 5-2-77..... 11247; 2-28-77

NUCLEAR REGULATORY COMMISSION

Environmental reports by certain applicants; licensing; comments by 5-2-77..... 12186; 3-3-77
Nuclear power plants; codes and standards; comments by 5-2-77. 17134; 3-31-77

Public records; searching and reproduction fees, waiver or reduction; comments period extended from 5-2 to 5-23-77..... 20145; 4-18-77
[First published at 42 FR 17131, Mar. 31, 1977]

SECURITIES AND EXCHANGE COMMISSION

Exchange members, brokers and dealers; recordkeeping requirements; comments by 5-2-77..... 18621; 4-8-77
[First published at 42 FR 3312, Jan. 18, 1977]

Lost and stolen securities program; reporting and inquiry requirements; comments by 5-1-77..... 11844; 3-1-77

Recordkeeping; filing of agreements by outside service bureaus; comments by 5-1-77..... 10698; 2-23-77
Short term commercial paper prescribed by the Commissions uniform net capital rule; extension of existing suspension; comments by 5-1-77. 19126; 4-12-77

SMALL BUSINESS ADMINISTRATION

Small business size standards; request for information on offshore Marine Services; comments by 5-1-77. 12435; 3-4-77

TRANSPORTATION DEPARTMENT

Coast Guard—
Boats and associated equipment; power ventilation; comments by 5-5-77..... 15340; 3-21-77

Federal Aviation Administration—
Airworthiness directive; Hughes Model Helicopters; comments by 5-5-77. 17137; 3-31-77

Airworthiness directive for Lockheed L-1011-385 Series Airplanes; comments by 5-6-77..... 17879; 4-4-77

Pratt and Whitney aircraft engines; comments by 5-4-77..... 17880; 4-4-77

Restricted areas; Cape Kennedy, Fla.; comments by 5-2-77..... 17139; 3-31-77

VOR airways and jet routes, Sea Isle, NJ; establishment and alteration; comments by 5-2-77..... 17140; 3-31-77

Federal Highway Administration—
Certification acceptance and secondary road plan; comments by 5-6-77..... 16734; 3-29-77

Fire resistance test for nonmetallic fuel tanks; extension of time for comments; comments by 5-1-77
[First published at 41 FR 52500; Nov. 30, 1976]..... 15935; 3-24-77

Motor carrier safety settlement and hearing procedures; comments by 5-1-77..... 18076; 4-5-77

REMINDERS—Continued

Materials Transportation Bureau—
Individual exemptions, conversion to
regulation of general applicability;
comments by 5-5-77..... 18409;
4-7-77

Pipeline Safety Operations Office—
Pipeline transportation of Natural
and other gases; conversion of ex-
isting pipelines to gas service;
comments by 5-5-77..... 15932;
3-24-77

TREASURY DEPARTMENT

Comptroller of the Currency—
Municipal securities dealers; profes-
sional qualification rules; com-
ments by 5-2-77..... 16813;
3-30-77

Next Week's Meetings

AGRICULTURAL DEPARTMENT

Agricultural Marketing Service—
Shippers Advisory Committee, Vero
Beach, Fla. (open), 5-5-77.
19500; 4-14-77

Agricultural Research Service—
Malheur National Forest Grazing Ad-
visory Board, John Day, Oreg. (open),
5-4-77.. 15449; 3-22-77

Forest Service—
Bighorn National Forest Grazing Ad-
visory Board; Billings, Mont. (open),
5-3-77.... 18414; 4-7-77

Prescott National Forest Grazing Ad-
visory Board; Prescott, Ariz. (open),
5-6-77..... 18415; 4-7-77

Office of the Secretary—
Poultry Health Advisory Committee,
Area Quarantine Subcommittee,
Hyattsville, Md. (open), 5-4-77.
20321; 4-19-77

CIVIL RIGHTS COMMISSION

New Jersey Advisory Committee, New
Brunswick, N.J. (open with restric-
tions) 5-5-77..... 20325; 4-19-77

COMMERCE DEPARTMENT

Domestic and International Business Ad-
ministration—
U.S. Merchant Marine Academy Advi-
sory Board, New York, N.Y. (open
with restrictions), 5-3-77.. 19169;
4-12-77

National Oceanic and Atmospheric Ad-
ministration—
Coastal Zone Management Advisory
Committee, Houston, Tex. (open
with restrictions), 5-2 thru 5-4-77.
19170; 4-12-77

Gulf of Mexico Fishery Management
Council, Key West, Fla. (open with
restrictions), 5-4 thru 5-6-77.
19365; 4-13-77

New England Fishery Management
Council, Buzzard Bay, Mass. (open
with restrictions), 5-3 and 5-4-77.
19366; 4-13-77

Pacific Fishery Management Council
and Scientific and Statistical Com-
mittee, Portland, Oreg. (open with
restrictions), 5-2 and 5-3-77
[First published at 42 FR 16169,
Mar. 25, 1977]. 19366; 4-13-77

Weather Modification Advisory Board,
Washington, D.C. (open with re-
strictions), 5-4 and 5-5-77.
19171; 4-12-77

Western Pacific Fishery Management
Council's Scientific and Statistical
Committee; Honolulu, Hawaii
(open), 5-3 and 5-4-77.... 19899;
4-15-77

DEFENSE DEPARTMENT

Air Force Department—
Air Force Academy Board of Visitors,
Colorado Springs, Colo. (partially
closed), 5-5 thru 5-7-77.. 19172;
4-12-77

Army Department—
JANNAF Interagency Propulsion Com-
mittee, Aberdeen Proving Ground,
Md. (closed), 5-3 and 5-4-77.
18125; 4-5-77

Navy Department—
U.S. Naval Academy Board of Visitors,
Washington, D.C., 5-3-77.. 16653;
3-29-77

Office of the Secretary—
Defense Science Board Task Force on
Intelligence, Washington, D.C.
(closed), 5-3-77.. 20490; 4-20-77

FEDERAL ENERGY ADMINISTRATION

Consumer Affairs/Special Impact Advi-
sory Committee, Washington, DC
(open), 5-6-77..... 20185; 4-18-77

Consumer Affairs/Special Impact Advi-
sory Committee Subcommittees,
Washington, DC (open), 5-5-77.
20185; 4-18-77

FEDERAL PREVAILING RATE ADVISORY

COMMITTEE
Meeting, Washington, D.C. (closed), 5-
5-77..... 20345; 4-19-77

HEALTH, EDUCATION, AND WELFARE

DEPARTMENT
Education Office—
Career Education National Advisory
Council; Washington, D.C. (open),
5-5 and 5-6-77.. 19923; 4-15-77

Vocational Education National Advi-
sory Council, Washington, D.C.
(open) 5-4 through 5-6-77.
19923; 4-15-77

Food and Drug Administration—
Cardiovascular Device Classification
Panel, Washington, D.C. (open) 5-
2-77..... 19917; 4-15-77

Cardiovascular and Renal Advisory
Committee; Rockville, Md. (open),
5-4 and 5-5-77.. 19917; 4-15-77

Science Advisory Board; Jefferson,
Ark. (open), 5-2 thru 5-4-77.
19917; 4-15-77

Technical Electronic Product Radia-
tion Safety Standards Committee;
Rockville, Md. (open), 5-5 and 5-
6-77..... 19917; 4-15-77

Health Care Financing Administration—
Alternate Professional Standards Re-
view Organization, San Diego and
San Francisco, Calif. (open) 5-5
and 5-6-77 (2 documents).
17525; 4-1-77

Health Resources Administration—
National Advisory Council on Health
Professions Education, Bethesda,
Md. (open), 5-2 through 5-6-77.
16857; 3-30-77

National Institutes of Health—
Arthritis National Advisory Board,
Bethesda, Md. (open and closed),
5-4-77..... 20351; 4-19-77

Board of Scientific Counselors, NIAM
DD, Bethesda, Md. (partially
closed), 5-6 and 5-7-77.. 15970;
3-24-77

Breast Cancer Diagnosis Committee,
Bethesda, Md. (open and closed),
5-4 and 5-5-77.. 19400; 4-13-77

Breast Cancer Epidemiology Com-
mittee, Bethesda, Md. (open and
closed), 5-5-77.... 19400; 4-13-77

Breast Cancer Experimental Biology
Committee, Bethesda, Md. (open
and closed), 5-5 and 5-6-77.
19400; 4-13-77

Breast Cancer Treatment Committee,
Bethesda, Md. (open and closed),
5-5-77..... 19400; 4-13-77

Cancer Control and Rehabilitation Ad-
visory Committee, Subcommittee
on Community Activities, Bethesda,
Md. (open), 5-2-77..... 19402;
4-13-77

Cancer Control and Rehabilitation Ad-
visory Committee, Subcommittee
on Cost Reimbursement, Bethesda,
Md. (open), 5-2-77..... 19402;
4-13-77

Cancer Control and Rehabilitation Ad-
visory Committee, Subcommittee
on Prevention, Bethesda, Md.
(open), 5-2-77.... 14902; 4-13-77

Cancer Control Intervention Programs
Review Committee B, Bethesda,
Md. (open and closed), 5-6 and
5-7-77..... 19401; 4-13-77

Cancer Control and Rehabilitation Ad-
visory Committee, Bethesda, Md.
(open), 5-3 and 5-4-77.. 19402;
4-13-77

Cardiology Advisory Committee, Be-
thesda, Md. (open), 5-2 and 5-3-
77..... 13603; 3-11-77

Commission for Control of Hunting-
ton's Disease and Its Conse-
quences; Dallas, Tex. (open); 5-
3-77..... 15139; 3-18-77

Drug Development Committee, Be-
thesda, Md. (open and closed), 5-
6-77..... 19401; 4-13-77

Homogenous Immunoglobulin Work-
shop, Bethesda, Md. (Open with re-
strictions), 5-2 and 5-3-77.
15971; 3-24-77

Office of the Secretary—
Performance of Institutional Review
Boards, Bethesda, Md., 5-3-77.
6641; 2-3-77

Review Panel on New Drug Regula-
tion; Washington, D.C. (partially
open), 5-1-77.... 19925; 4-15-77

REMINDERS—Continued

HISTORIC PRESERVATION, ADVISORY COUNCIL ON

Meeting, Washington, D.C. (open), 5-4 and 5-5-77..... 20481; 4-20-77

INTERIOR DEPARTMENT

Bonneville Power Administration—

Construction of new 115 Kv transmission line and new substation, Ellensburg, Wash. (open), 5-5-77.
17919; 4-4-77

National Park Service—

Cuyahoga Valley National Recreation Area Advisory Commission; Newbury, Ohio (open), 5-5 and 5-6-77..... 19931; 4-15-77

Southwest Regional Advisory Committee, Hot Springs, Ark. (open with restrictions), 5-2 and 5-3-77.
18312; 4-6-77

LABOR DEPARTMENT

Occupational Safety and Health Administration—

Occupational Safety and Health National Advisory Committee; Boston, Mass. (open), 5-5 and 5-6-77.
19936; 4-15-77

Revision of standards on machinery and machine guarding, Atlanta, Ga., Boston, Mass., and Cleveland, Ohio (open), 5-3 thru 5-5-77.. 10018;
2-18-77

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Research and Technology Advisory Council, Committee on Aerodynamics and Configurations, Moffett Field, Calif. (open with restrictions), 5-4 thru 5-6-77..... 18907; 4-11-77

NATIONAL COMMISSION ON ELECTRONIC FUND TRANSFERS

Meeting, Annapolis, Md. (open) 5-3 through 5-5-77..... 19951; 4-15-77

NATIONAL SCIENCE FOUNDATION

Science Applications Task Force; Washington, D.C. (open), 5-2 and 5-3-77.
19925; 4-15-77

Science for Citizen Advisory Committee, Washington, D.C. (open), 5-6 and 5-7-77..... 20685; 4-21-77

NEW TECHNOLOGICAL USES OF COPYRIGHTED WORKS, NATIONAL COMMISSION

Meeting, Crystal City, Va. (open), 5-5 and 5-6-77..... 20520; 4-20-77

NUCLEAR REGULATORY COMMISSION

Reactor Safeguards Advisory Committee, Washington, D.C. (open and closed), 5-5 through 5-7-77..... 20204;
4-18-77

Reactor Safeguards Advisory Committee, Reactor Safety Study Working Group, Washington, D.C. (open), 5-4-77.
20206; 4-18-77

Reactor Safeguards Advisory Committee, Fire Protection Working Group and Regulatory Activity Subcommittee, Washington, DC (open), 5-4-77.
20206; 4-18-77

Regulation of the Medical Use of Radioisotopes by NRC and Advisory Committee on Medical Uses of Isotopes; Silver Spring, Md. (open), 5-6-77.
20691; 4-21-77

Reactor Safeguards Advisory Committee, Regulatory Activities Subcommittee, Washington, DC (open), 5-4-77.
20207; 4-18-77

SCIENCE AND TECHNOLOGY POLICY OFFICE

Intergovernmental Science, Engineering and Technology Advisory Panel, New York, N.Y. (open), 5-6-77..... 19537;
4-14-77

SMALL BUSINESS ADMINISTRATION

Casper District Advisory Council, Casper, Wyo. (open), 5-6-77.. 9246; 2-15-77

Hartford District Advisory Council; West Haven, Conn. (open), 5-5-77.. 18470;
4-7-77

Newark District Advisory Council, Hazlet, New Jersey (open), 5-4-77.... 12508;
3-4-77

STATE DEPARTMENT

Agency for International Development—
International Food and Agricultural Development Board, Minneapolis, Minn. (open), 5-5 and 5-7-77.
20357; 4-19-77

[First published at 42 FR 18914, April 11, 1972.]

TRANSPORTATION DEPARTMENT

Coast Guard—
Ship Structure Committee; Washington, D.C. (open), 5-3-77.... 18471;
4-7-77

Federal Aviation Administration—
Radio Technical Commission for Aeronautics, Special Committee 125—
MLS Implementation; Washington, D.C. (open), 5-3 thru 5-5-77.
18472; 4-7-77

Technical Advisory Committee; Washington, D.C. (open), 5-5 thru 5-6-77..... 18472; 4-7-77

VETERANS ADMINISTRATION

Station Committee on Educational Allowances; Los Angeles Calif. (open), 5-5-77..... 18472; 4-7-77

Wage Committee, Washington DC (closed), 5-5-77.... 20210; 4-18-77

Next Week's Public Hearings

DEFENSE DEPARTMENT

Navy Department—

Seafarer ELF Communications System; site selection and proposed test operations in Michigan; Escanaba, Mich. (open), 5-2 and 5-3-77..... 19901; 4-15-77

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

Education Office—

Women's Educational Equity Act; discussion of rules, New York, N.Y., Chicago, Ill., and Denver, Colo., 5-3 and 5-4-77..... 19161; 4-12-77

Women's Educational Equity Act; discussion of rules; Boston, Mass. and San Francisco, Calif., 5-2-77.
19161; 4-12-77

Food and Drug Administration—

Benylin Expectorant; Parke, Davis & Co.; Rockville, Md., prehearing conference, 5-2-77.. 16675, 3-29-77

Office of the Secretary—

Protection of Human Subjects National Commission; Institutional Review Board performance, Bethesda, Md., 5-3-77.
15468; 3-22-77

[First published at 42 FR 6641, Feb. 3, 1977.]

INTERIOR DEPARTMENT

Geological Survey—

Coal mining operating regulations; Montana, Billings, Mont. (open) 5-4-77..... 18862; 4-11-77

INTERNATIONAL TRADE COMMISSION

Round head steel drum plugs from Japan; Washington, D.C. (open), 5-3-77..... 16875; 3-30-77

LABOR DEPARTMENT

Occupational Safety and Health Administration—

Standards and availability of economic study on exposure to sulfur dioxide; Wash., D.C., 5-3-77.
10017; 2-18-77

List of Public Laws

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

presidential documents

Title 3—The President

PROCLAMATION 4504

Prayer for Peace Memorial Day, May 30, 1977

By the President of the United States of America

A Proclamation

The greatest honor we can pay those who have given their lives in our Nation's defense is to serve the ideals for which they died.

We properly honor these men and women on Memorial Day—as we honor those who fought and lived, to continue the struggle for peace, freedom, justice, and human rights.

Those of us who survived the battle, or who never had to bear it, must work to assure that no American will ever be asked to offer up his or her life in war unless the survival of our Nation or of democracy itself is at stake.

Let us remember on Memorial Day those who have lived and died in pursuit of a just peace. Let us pray that, like them, we will leave behind us a stronger Nation and a better world.

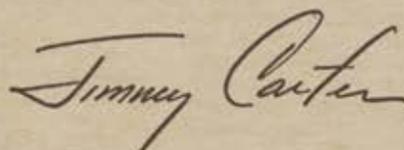
In tribute to those Americans who have died for their country, and to those who survived to carry on their unfinished work, the Congress, by joint resolution of May 11, 1950 (64 Stat. 158), has requested the President to issue a proclamation calling upon the American people to observe each Memorial Day as a day of prayer for permanent peace.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby designate Memorial Day, Monday, May 30, 1977, as a day of prayer for permanent peace, and I designate the hour beginning in each locality at 11 o'clock in the morning of that day as a time to unite in prayer.

I urge the press, radio, television, and all other information media to join in this observance.

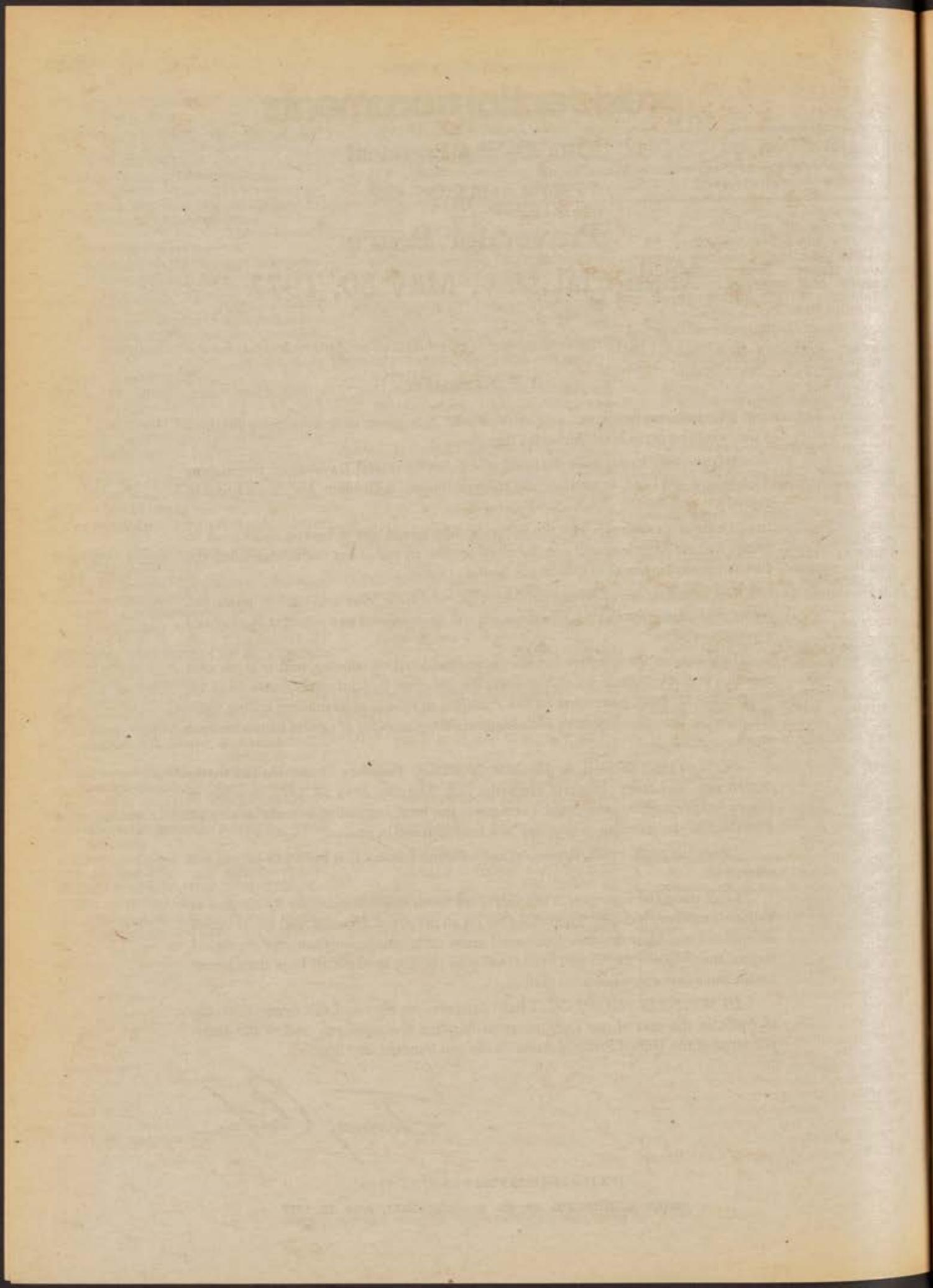
I call upon the appropriate officials of all levels of government to fly the flag at half-staff until noon during Memorial Day on all buildings, grounds, and naval vessels throughout the United States and in all areas under its jurisdiction and control. I request the people of the United States to display the flag at half-staff from their homes for the same customary forenoon period.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fifth day of April, in the year of our Lord nineteen hundred seventy-seven, and of the Independence of the United States of America the two hundred and first.



[FR Doc.77-12157 Filed 4-25-77;12:50 pm]

FEDERAL REGISTER, VOL. 42, NO. 81—WEDNESDAY, APRIL 27, 1977



rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510. The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 7—Agriculture

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

[Grapefruit Reg. 77, Amdt. 8]

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

Amendment of Grade Regulation

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This amendment lowers the minimum grade requirement applicable to domestic and export shipments of Florida white seedless grapefruit from Improved No. 2 to Improved No. 2 Russet during the period April 22 through August 14, 1977. The amendment recognizes the supplies of fruit remaining for fresh shipment and is designed to permit movement of available supplies of fruit consistent with the interests of producers and consumers.

EFFECTIVE DATE: April 22, 1977.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

Findings. (1) Pursuant to the amended marketing agreement, and Order No. 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 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) This amendment reflects the Department's appraisal of the current and prospective demand for Florida white seedless grapefruit by domestic and export market outlets. Less restrictive grade 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 pub-

lic 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 became available upon which this amendment is based, and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of white seedless grapefruit grown in Florida.

Order. The provisions of § 905.565 (Grapefruit Regulation 77; 41 FR 42177, 49474, 51029, 54917; 42 FR 9663, 10833, 14865, 18271) are amended by revising paragraphs (a) (3) and (b) (3) 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: *Provided further*, That during the period April 22, 1977, through August 14, 1977, no handler shall ship any white seedless grapefruit, grown in the production area, which do not grade at least Improved No. 2 Russet; or

(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: *Provided further*, That during the period April 22, 1977, through August 14, 1977, no handler shall ship any white seedless grapefruit, grown in the production area, which do not grade at least Improved No. 2 Russet; or

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

Dated: April 22, 1977, to become effective April 22, 1977.

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

[FR Doc.77-12105 Filed 4-26-77;8:45 am]

[Grapefruit Reg. 17, Amdt. 6]

PART 944—FRUITS; IMPORT REGULATIONS

Minimum Grade Requirements for Imports of White Seedless Grapefruit

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This amendment lowers the minimum grade requirement applicable to imported white seedless grapefruit from Improved No. 2 to Improved No. 2 Russet grade to coincide with such requirements being made effective on Florida grapefruit. This amendment is required by Federal law.

EFFECTIVE DATE: April 22, 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.

SUPPLEMENTARY INFORMATION:

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 or 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 white seedless grapefruit as is 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, 14867, 18271) the provisions of paragraph (a) (3) 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: *Provided further*, That during the period April 22, 1977, through August 14, 1977, white seedless grapefruit shall grade at least Improved No. 2 Russet; and

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 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 white seedless grapefruit as are applicable under amended Grapefruit Regulation 77 (§ 905.565) to the shipment of white seedless grapefruit grown in Florida; and (c) this amendment lowers the minimum grade requirement applicable to imported white seedless grapefruit.

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

Dated April 22, 1977, to become effective April 22, 1977.

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

[FR Doc.77-12104 Filed 4-26-77;8:45 am]

Title 18—Conservation of Power and Water Resources

CHAPTER II—TENNESSEE VALLEY AUTHORITY

PART 301—PROCEDURES

Clarifying Amendment to Government in the Sunshine Act Regulations

AGENCY: Tennessee Valley Authority.
ACTION: Clarifying amendment to final regulations.

SUMMARY: Following the end of the 30-day comment period on TVA's proposed Government in the Sunshine Act regulations and the publication of final regulations, TVA received two comments which construed the last sentence of § 301.43 as an absolute prohibition on the use of cameras or other recording devices at TVA Board meetings. TVA's practice over the past years during which Board meetings were open to public observation before there was any requirement to do so and the practice which continues at Board meetings now subject to the Government in the Sunshine Act, permits the use of cameras and recording devices. This clarifying amendment makes clear TVA's intent to continue this practice under which cameras and recording devices may be used at Board meetings but to recognize that such use should not be disruptive of the meetings.

EFFECTIVE DATE: April 27, 1977.

FOR FURTHER INFORMATION CONTACT:

John Van Mol, Director of Information, Tennessee Valley Authority, Room E12A4 Knoxville Office Complex, 400 Commerce Avenue, Knoxville, Tennessee 37902. (615-632-3257.)

Information is also available at TVA's Washington Office. (202-343-4537.)
SUPPLEMENTARY INFORMATION: On January 26, 1977, there was published in the FEDERAL REGISTER (42 FR 4859) the TVA Board of Directors' notice of its proposed Government in the Sunshine Act regulations. After a 30-day comment period, TVA adopted final regulations effective March 12, 1977 (42 FR 14086).

Since TVA's adoption of final regulations, two comments considered the last sentence of § 301.43 which provides:

Public observation does not include the recording of any deliberations or actions by means of electronic or other devices or cameras

as an absolute prohibition on the use of such devices. TVA has not prohibited, nor does it intend to prohibit, the reasonable use of cameras or other recording devices at its open Board meetings and the purpose of this clarifying amendment is to make that explicit. TVA has been holding its formal Board meetings in public for over two years and during that time the press and public have made unrestricted use of cameras and other devices to record the meetings. In fact, TVA makes its audio and other equipment available to the press to facilitate the recording of Board meetings.

Since this clarifying amendment is being made in response to comments received by TVA shortly after the close of the comment period on the proposed regulations, and since it will eliminate an apparent restriction in the final regulations, the TVA Board for good cause finds that it is unnecessary to publish notice of this clarifying amendment as a proposed regulation and that the clarifying amendment can become effective immediately upon publication in the FEDERAL REGISTER.

Accordingly, 18 CFR 301.43 is amended to read as follows:

§ 301.43 Open meetings.

Members shall not jointly conduct or dispose of TVA business other than in accordance with this Subpart. Except as provided in § 301.46, every portion of every meeting of the agency shall be open to public observation, and TVA shall provide suitable facilities therefor, but participation in the deliberations at such meetings shall be limited to members and certain TVA personnel. The public may make reasonable use of electronic or other devices or cameras to record deliberations or actions at meetings so long as such use is not disruptive of the meetings.

(Sec. 3(a), Pub. L. No. 94-409, 90 Stat. 1241 (5 U.S.C. 552b), and 48 Stat. 58, as amended 16 U.S.C. 831-831dd.)

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

Dated: April 18, 1977.

H. N. STROUD, Jr.,
Acting General Manager.

[FR Doc.77-12023 Filed 4-26-77;8:45 am]

Title 28—Judicial Administration CHAPTER I—DEPARTMENT OF JUSTICE [Order No. 712-77]

PART 52—UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES

Revoking Obsolete Regulations

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: The present regulations governing relocation assistance and land acquisition policies of the Department of Justice under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 are published in Part 52 of Title 28, Code of Federal Regulations. Those regulations are being replaced by revised regulations issued by the Assistant Attorney General for Administration and published in Part 128-18 of Title 41, Code of Federal Regulations. This order therefore revokes the regulations in 28 CFR Part 52.

EFFECTIVE DATE: April 16, 1977.

FOR FURTHER INFORMATION CONTACT:

William H. O'Donoghue, Chief, Administrative Programs Section, Security and Administrative Programs Staff, Office of Management and Finance, Department of Justice, 10th and Constitution Avenue, N.W., Washington, D.C. 20530, 202-739-2971.

Part 52 [Revoked]

By virtue of the authority vested in me by 28 U.S.C. 509, 510, and 5 U.S.C. 301, Part 52 of Title 28, Code of Federal Regulations, is hereby revoked.

Dated: April 16, 1977.

GRIFFIN B. BELL,
Attorney General.

[FR Doc.77-12085 Filed 4-26-77;8:45 am]

Title 39—Postal Service

CHAPTER 1—U.S. POSTAL SERVICE PART 266—PRIVACY OF INFORMATION

Exemption of Systems of Records

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: This notice announces the amendment of Postal Service regulations to exempt a system of records from specified provisions of the Privacy Act of 1974, and to widen the previously announced exemption of another system of records.

EFFECTIVE DATE: April 27, 1977.

ADDRESSES: Records Officer, U.S. Postal Service, Washington, D.C. 20260.

FOR FURTHER INFORMATION CONTACT:

Mr. John Finlay, 202-245-4142.

SUPPLEMENTARY INFORMATION: On February 22, 1977, the Postal Service published for comment in the FEDERAL REGISTER (42 FR 10320, as corrected at 42 FR 13307) a proposal to amend 39 CFR

266.9, dealing with the exemption of Postal Service systems of records from certain provisions of the Privacy Act of 1974. Acting under 5 U.S.C. 552a(k)(5), which allows an agency to safeguard the identity of a source who furnished information in confidence as a part of an investigation conducted solely for the purpose of determining suitability, eligibility, or qualifications of an individual for employment, the Postal Service proposed to exempt system USPS 120.130, Personnel Records—Postmaster Selection Program Records, from 5 U.S.C. 552a(d)(1)-(4) and (e)(1), and further to exempt system USPS 120.110, Personnel Records—Personnel Investigations Records, from 5 U.S.C. 552a(d)(2)-(4). Members of the public were invited to submit comments concerning the proposed exemptions.

No comments regarding the proposed exemptions were received. Accordingly, after a review of the proposed text, the Postal Service adopts the following amendments to title 39, Code of Federal Regulations, effective April 27, 1977.

In 39 CFR 266.9, revise paragraph (b)(3) and add paragraph (b)(7) to read as follows:

§ 266.9 Exemptions.

(b) * * *

(3) Postal Service Personnel Investigations Records from 5 U.S.C. 552a(d)(1)-(4) and (e)(1) to the extent that information in the system is subject to exemption under 5 U.S.C. 552a(k)(5) as relating to the identity of a source who furnished information to the Government in confidence as a part of an investigation conducted solely for the purpose of determining suitability, eligibility, or qualifications of an individual for employment.

(7) Postal Service Postmaster Selection Program Records from 5 U.S.C. 552a(d)(1)-(4) and (e)(1) to the extent that information in the system is subject to exemption under 5 U.S.C. 552a(k)(5) as relating to the identity of a source who furnished information to the Government in confidence as a part of an investigation conducted solely for the purpose of determining suitability, eligibility, or qualifications of an individual for employment.

BENJAMIN F. BAILAR,
Postmaster General.

[FR Doc. 77-11915 Filed 4-26-77; 8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

[FRL 704-6]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Utah Plan Revisions

AGENCY: U.S. Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) takes final action to approve and, where appropriate, disapprove changes to the Utah State Implementation Plan (SIP) submitted by the Governor of Utah. The changes were submitted to correct certain deficiencies in the State's SIP. The intended effect of this action is to ensure the attainment of EPA's national ambient air quality standards.

EFFECTIVE DATE: April 27, 1977.

FOR FURTHER INFORMATION CONTACT:

Louis W. Johnson, Chief, Planning and Operations, Section, Air Programs Branch, U.S. Environmental Protection Agency, Region VIII, 1860 Lincoln Street, Denver, Colorado 80295. (303-837-3711)

SUPPLEMENTARY INFORMATION: On May 31, 1972 (37 FR 10842), pursuant to section 110 of the Clean Air Act, as amended, and 40 CFR Part 51, the Administrator of the Environmental Protection Agency (EPA) approved, with specific exceptions, a plan for implementation of the national ambient air quality standards (NAAQS) submitted by Utah. Regulations to correct deficiencies in the Utah plan were promulgated on May 14, 1973 (38 FR 12696), November 27, 1973 (38 FR 32656), September 5, 1974 (38 FR 32113), November 26, 1975 (40 FR 54786), and December 5, 1975, (40 FR 56890). On December 12, 1975, the Kennecott Copper Corporation filed a Petition for Reconsideration, requesting the Agency to reconsider the sulfur dioxide regulation promulgated on November 26, 1975. The company also challenged the regulation in the 10th Circuit Court of Appeals. The Agency ruled on said petition on December 3, 1976, after having considered new air quality data and other newly obtained information.

On July 10, 1975, the Governor of Utah submitted revised Utah Air Conservation Regulations as a revision to the State Implementation Plan (SIP). The new regulations were adopted by the Utah Air Conservation Committee on June 26, 1975, following public hearing on January 9, 1975, and became effective on July 9, 1975. On September 19, 1975 (40 FR 43231), the Administrator published a summary of the significant changes to the state's regulations and the EPA's proposed actions. However, the Agency did not consider it appropriate to take final action on the state regulations prior to ruling on the issues contained in the Petition for Reconsideration that was pending before it.

Although the state submittal contained all of the Utah Air Conservation Regulations, the Administrator's proposed action pertained only to the changes, that is Sections 1.3, 1.4, 1.5, 1.6, and 2.5. Other regulations had either been approved or disapproved by the Administrator previously. However, the public was invited to inspect and comment on

the entire submission, including the state's rescinding of the 80 percent SO₂ control requirement for new sources (Section 3.6), pollution control equipment requirements (Section 1.7), and planned maintenance provisions (Section 2.2.6b).

The Utah SIP revisions and EPA's evaluation report were available for public inspection at the offices of the Environmental Protection Agency in Denver, Colorado, Salt Lake City, Utah, and Washington, D.C.

Comments were received from five interested parties and considered in this rulemaking. On the basis of these comments, including clarification of intent by the state regarding several of EPA's concerns, the Administrator is taking the following final action on the state's submittal:

1. As indicated in the Administrator's proposal, Section 1.3 (Air Quality Degradation) is inadequate to insure prevention of Significant Deterioration (PSD) in the clean air regions of the state. Consequently, the disapproval notice published in § 52.2346 (40 FR 25010) will remain in effect and EPA will administer the PSD program in Utah until the state complies with the requirements of 40 CFR 52.21 or receives delegation of EPA's new source review authority under those regulations. At the present time the state is taking steps designed to assume responsibility under PSD.

2. Approving Section 1.4, which provides for public availability of emission data.

3. Withdrawing the proposed disapproval of the state's variance procedure contained in Section 1.5, which was considered to be too broad. The Agency is approving Section 1.5 in view of the clarification by the state and since the variances granted by the state under said section will be submitted to EPA as SIP revisions. The Agency will review these variances on a case-by-case basis to insure protection of the NAAQS.

4. Approving Section 1.6, requiring notice to the state of the intent to construct a new source or modify an existing source prior to initiation of construction. Section 1.6.2 adopts the Federal New Source Performance Standards into the new source review criteria.

5. Several comments addressed the proposed disapproval of the state's SO₂ regulation (Section 2.5) applicable to the Kennecott copper smelter. The Administrator is disapproving Section 2.5 because it: (1) only imposes a monthly emission limitation which is not sufficient to attain the short-term NAAQS for SO₂; (2) is unenforceable since no method of determining compliance is specified; (3) contains a malfunction provision which is also unenforceable; and (4) allows the utilization of a supplementary control system without requiring the application of reasonably available control technology (RACT). The Agency's reasons for rejecting the exemption approach of the state's malfunction regulation is discussed in the

RULES AND REGULATIONS

preamble to EPA's replacement regulation which is being promulgated in another section of this FEDERAL REGISTER.

EPA's authority to disapprove the regulation was questioned by the state and Kennecott. However, EPA's position that constant control technology must be utilized to achieve the NAAQS and that a supplementary control system (SCS) may be credited as an interim control measure only after the application of RACT is supported by the weight of judicial authority. See, e.g., *Big Rivers Electric Corporation, et al. v. EPA, et al.*, 523 F.2d 16 (6th Cir., 1975) and *Kennecott Copper Corporation v. Train*, 526 F.2d 1149 (9th Cir., 1975).¹ It is EPA's position that the state regulation does not require installation of RACT. In addition, recently obtained air monitoring data indicate that even after RACT is installed by the company, the NAAQS will not be met in the vicinity of the Kennecott plant. Therefore, in the near future EPA will propose, as an interim measure, an SCS system for the smelter. The Agency is also promulgating a malfunction regulation, which will take into consideration the problem of malfunction and yet not render the emission limitation unenforceable.

Kennecott Copper Corporation also commented that, because of their brevity, the EPA notice proposing disapproval of the state regulation and the supportive documentation did not comply with the Administrative Procedure Act. It is the Agency's position that the notice and the supporting documents complied with the requirements of the Administrative Procedure Act, inasmuch as they adequately described the subject and the issues of the proposed action, enabling the public to understand and meaningfully comment.

Since no persuasive technical or legal evidence has been presented in support of this regulation, the Administrator is disapproving Section 2.5 as proposed. The SO₂ regulation for Kennecott, promulgated by EPA on November 26, 1975, the malfunction regulation being promulgated by EPA, and the SCS regulation to be proposed, will provide for the attainment of the NAAQS for SO₂ until such time as the state adopts and submits an approvable SO₂ regulation to EPA.

Insofar as the provisions approved herein have existed as State law for a substantial period of time and, as a result, do not impose any additional burdens on sources subject to such provisions, no useful purpose would be served in deferring the effective date of this action for 30 days. Accordingly, good cause is found for instituting this rule-making effective immediately.

ADDRESSES: Copies of the public comments and EPA's detailed analysis of the comments are available for public inspection at the EPA offices listed below:

Environmental Protection Agency, Region VIII, Air and Hazardous Materials Division, Suite 900, 1860 Lincoln Street, Denver, Colo. 80295.

¹ But see *Kennecott Copper Corporation v. Train*, 9 ERC 1593 (D.C. Nev. 1976).

Environmental Protection Agency, Public Information Reference Unit, Room 2922, 401 M Street SW., Washington, D.C. 20460.
Environmental Protection Agency, Room 4223, Federal Building, 126 South State Building, Salt Lake City, Utah 84111.

(42 U.S.C. 1857c-5.)

Dated: March 30, 1977.

BARBARA BLUM,
Acting Administrator.

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart TT—Utah

1. In § 52.2320, paragraph (c) is amended to read as follows:

§ 52.2320 Identification of plan.

(c) The plan revisions listed below were submitted on the dates specified:

(5) The Revised Utah Air Conservation Regulations on July 10, 1975, by the Governor.

2. In § 52.2325, paragraph (a) is amended to read as follows:

§ 52.2325 Control strategy: Sulfur oxides.

(a) * * * Furthermore, section 2.5 of the Utah Air Conservation Regulations is disapproved because it does not provide for attainment of the short-term ambient standards for SO₂, is unenforceable, and allows the utilization of a supplementary control system without requiring the application of reasonably available control technology.

[FR Doc. 77-12000 Filed 4-26-77; 8:45 am]

[FRL 704-7]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Utah SO₂ Control Strategy

AGENCY: U.S. Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The purpose of this rule-making is to finalize regulations relating to excess emissions due to start-up shutdown and malfunction from the Kennecott Copper Corporation smelter located in Salt Lake City, Utah.

EFFECTIVE DATE: May 27, 1977.

FOR FURTHER INFORMATION CONTACT:

Louis W. Johnson, Chief, Planning and Operations Section, Air Programs Branch, U.S. Environmental Protection Agency, Region VIII, 1860 Lincoln Street, Denver, Colorado 80295. (303-837-3711.)

SUPPLEMENTARY INFORMATION: On October 29, 1975, EPA proposed regulations which require the reporting of excess emissions from the Kennecott Copper Corporation smelter to the Administrator. In response to the proposed regulations, various issues have been raised by the owner and operator of the subject

smelter. These comments object to the proposed regulations because: (1) The proposal does not grant an automatic exemption from the emissions limitations after compliance with the reporting requirement; (2) there is no provision relating to the excess emissions resulting from the phasing in or out of process and control equipment or from routine maintenance of this equipment; (3) the proposal of a "reporting requirement" is inconsistent with the Agency's alleged approval of State malfunction provisions which exempt sources from applicable emission limitations during periods of excess emissions.

DISCRETION VS. AUTOMATIC EXEMPTION

The claim that an emission limitation exemption should be automatic during periods of excess emissions due to start-up, shutdown or malfunction is based on smelter's contention that to penalize an operation for emissions that are beyond the control of a prudent operator is unreasonable. The Administrator agrees that the issuance of an administrative order or the initiation of judicial action following a period of excess emissions caused by circumstances beyond the control of the operator may not be appropriate. However, the Administrator has determined that the automatic granting of a regulatory exemption for these periods of excess emissions is not a suitable remedy.

Although the Administrator recognizes that some relief should be afforded during certain upset situations, the promulgation of an upset regulation should not diminish the smelter's incentive to develop better operating and maintenance procedures. If an automatic exemption were promulgated, it would encourage the smelter to claim, after every period of excess emissions, that an exemption is warranted. If the operator of the smelter were so inclined, it would be relatively easy for the company, as a result of the burden of proof placement, to effectively block all Federal enforcement against the smelter.

Clearly, the better approach and the one which is consistent with the enforcement imperatives of section 110 is to place the burden of proving the existence of an unavoidable malfunction on the source. Consequently, the only enforceable means available to the Agency in dealing with all emission excursions—be they potentially due to malfunctions or otherwise—is to issue notices of violations with the source being given an opportunity to prove that the violation was due to an unavoidable malfunction.

The Administrator has concluded that the appropriate enforcement process, as prescribed by section 113, affords ample opportunity for the owner or operator of the smelter to identify malfunctions and upsets beyond his reasonable control prior to the issuance of an administrative order. Therefore, the Administrator has determined that the way to encourage the continued improvement in the operation of a smelter and its attendant control equipment is to retain his discretion to order administrative actions or initiate judicial proceedings following a

period of excess emissions. However, the Administrator also finds that it is reasonable to detail the enforcement procedure that he will follow when a period of excess emissions occurs and indicate how this discretion will be exercised.

Upon receipt of the smelter's submission of the report of excess emissions required under § 52.2325(d)(3)(viii) of this subpart, a Notice of Violation will be issued. This procedure is consistent with the decision in *Wisconsin Environmental Decade v. Train*, 395 F. Supp. 313 (W.D. Wis., 1975), and other recent district court rulings. After the issuance of the Notice, the Administrator will consider any information developed by the source which more fully explains the circumstances of the violation and the source's actions in response thereto. This information will be used in evaluating the seriousness of the violation and any good faith efforts of the owner or operator of the smelter to comply and in determining whether further Agency action is appropriate.

In his assessment of the circumstances of the emission of pollutants in violation of the applicable emission limitations, the Administrator will determine whether:

(1) The air pollution control equipment, process equipment, or processes were at all times maintained and operated, to the maximum extent practicable, in a manner consistent with good practice for minimizing emissions;

(2) Repairs were made as expeditiously as practicable including the use of off-shift labor and overtime;

(3) The amount and duration of the excess emissions were minimized to the maximum extent practicable during periods of such emissions; and,

(4) Bypass of strong SO₂ streams around acid plants was limited to the maximum extent practicable.

If each of these determinations is affirmative in the opinion of the Agency, there could be no additional course of action which would be reasonable for the owner or operator to implement. Moreover, the situation would not warrant the imposition of criminal penalties. Accordingly, the Administrator would generally not follow the Notice of Violation with any further action.

The promulgation of a policy that requires the subject smelter to present evidence in mitigation of a finding of violation, if it desires to contest the Administrator's enforcement action, does not invite frustration of the enforcement of emissions standards. However, at the same time, ample opportunity is provided to the source to explain the circumstances surrounding the excess emissions before any Agency action is taken which mandates the expenditure of capital for additional control or results in any judicial liability being affixed. In the Administrator's view, this approach most effectively encourages continued development of better operating and maintenance procedures without imposing unreasonable requirements on the source.

PHASING IN AND OUT OF EQUIPMENT

The Administrator finds that routine phasing in and out of process equipment is part of the normal operation of a smelter and should be accounted for in the design and implementation of the operating procedure for the process equipment. Accordingly, the Administrator concludes that it is reasonable to expect that emission limitations will not be violated during such periods. If excess emissions should occur during routine phasing in and out of process equipment the excess emissions will not be considered as malfunctions unless the source can demonstrate that such emissions were caused by a breakdown in the process equipment.

ROUTINE MAINTENANCE

The proposed regulations did not address periods of routine maintenance in the malfunction provisions. This action was consistent with the basic purpose of the proposed regulation, which was to address excess emissions caused by "sudden and unavoidable failure" of process or control equipment. Allowing a smelter to operate independent of the emission control equipment during periods of routine maintenance would be inconsistent with binding legal interpretations of section 110 of the Clean Air Act. These legal opinions dictate that prior to allowing a source to use dispersion techniques to attain and maintain national ambient air quality standards (NAAQS), the Agency must require such source to install all available controls. Permitting a source to employ dispersion techniques to attain and maintain national standards without constant controls during periods of routine maintenance is contrary to such legal decisions. This is because routine maintenance can be considered as basically a predictable event, which can be scheduled to a large extent at the discretion of the smelter operator. As a result of this planning ability, routine maintenance can be scheduled to coincide with maintenance on production equipment or other smelter shutdowns. As such, the control equipment is always available when the equipment it serves is operational. Moreover, since any industry, including the smelting industry, has the ability to build and maintain inventory, the aspect of planning routine maintenance during periods of smelter shutdown should not be of grave concern to the smelter operator. Consequently, no excess emissions will be allowed during periods of routine maintenance.

In addition, permitting excess emissions during periods of routine maintenance would be inconsistent with the Agency's approach to new source performance standards (NSPS) which does not permit excess emissions during periods of scheduled maintenance. In cases where Agency policies for new sources differ from those for existing sources, the policy for existing sources is generally more stringent. This is due to the fact that the Clean Air Act re-

quires existing sources to be controlled to protect the public health and welfare while, except for new source review, the principal focus for new sources is technology based. Were the Agency to depart from existing policy and adopt maintenance provisions for existing smelters that were more lenient than the maintenance approach it has adopted for new smelters, it would have an impossible enforcement problem in the event that a smelter chose to expand an existing smelting site. With this in mind and given that the problems associated with scheduled acid plant maintenance are essentially the same whether the acid plant is needed to meet NSPS or NAAQS, the Agency believes it appropriate to treat scheduled maintenance under both situations in the same way.

STATE MALFUNCTION PROVISIONS

Kennecott has argued that the approach taken in these regulations is inconsistent with various malfunction regulations approved by EPA as part of State Implementation Plans (SIPs) submitted by several western States. In response, the Agency will undertake a review of all State malfunction regulations. Should the review indicate that the regulations do not satisfy the requirements of Section 110 of the Act, the affected States will be requested to take corrective action. In reviewing these regulations the Agency will focus on the same considerations that were central to the rulemaking promulgated herein. If, in reviewing the involved State regulations, it becomes clear that they have the potential for permitting violations of NAAQS by exempting malfunction episodes from applicable emission limitations, the malfunction provisions will be rejected on the ground that they interfere with attainment of the national standards.

Finally, where ambient standards are being achieved by virtue of an interim supplementary control system, a tall stack and reasonably available control technology (RACT), a SIP provision exempting malfunction periods from applicable emission limitations might not result in ground level concentrations that exceed the standards. However, such a provision would have the effect of condoning emissions above the RACT emission level. While it might be appropriate to forbear from enforcing where the malfunction is beyond the control of the source, EPA believes that it would be inappropriate to condone, by exemption, emission levels above the RACT floor. Thus, in evaluating the SIPs in question, EPA will (in addition to the other factors noted above) regard as unacceptable any malfunction provision which, as a matter of regulatory exemption, allows emission levels to exceed the RACT floor during malfunction conditions.

OUTLINE OF REGULATIONS

Briefly, the regulations define all periods of excess emissions as violations of the applicable emissions standards and establish a procedure whereby the owner

or operator of the Kennecott smelter may supply information to the Administrator in order to enable him to carry out his statutory duties. Although the information to be supplied is not limited in scope, the regulation does require that if information is given to the Agency, it include:

- (1) identification of the emission points;
- (2) the magnitude of the excess emissions;
- (3) the identity of the process or control equipment causing the excess emissions;
- (4) the cause and nature of the excess emissions; and
- (5) a description of the steps taken by the owner or operator of the subject smelter to remedy the situation causing the emissions, prevent a recurrence and limit the excess emissions. Finally, nothing in the regulation relieves the source of its obligation to attain and maintain the national ambient air quality standards for SO₂, nor precludes the Administrator from initiating any appropriate actions under Sections 113 or 303 of the Clean Air Act.

This rulemaking will become effective on May 27, 1977, and is authorized by Sections 110, 113, and 301 of the Clean Air Act (42 U.S.C. 1857c-5, 1857c-8, and 1857g).

Dated: March 30, 1977.

BARBARA BLUM,
Acting Administrator.

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart TT—Utah

In § 52.2325, paragraph (e) is added as follows:

§ 52.2325 Control Strategy: Sulfur oxides.

(e) Compliance with emission standards; Reporting excess emissions during periods of start-up, shutdown, and malfunction: Kennecott smelter complex.

(1) The provisions of this paragraph are applicable to the Kennecott Copper Corporation located in Salt Lake County, Utah, in the Wasatch Front Intrastate Air Quality Control Region.

(2) All terms used in this paragraph but not specifically defined below shall have the meaning given them in the Clean Air Act or Parts 51, 52, or 60 of this chapter.

(i) The term "excess emissions" means an emission rate which exceeds any applicable emission limitation prescribed by paragraph (d) of this section. The averaging time and test procedures for determining such excess emissions shall be as specified as part of the applicable emission limitation.

(ii) The term "malfunction" means any sudden and unavoidable failure of air pollution control equipment or process equipment or a process to operate in a normal and usual manner. Failures that are caused entirely or in part by poor maintenance, careless operation, or any other preventable upset condition or preventable equipment breakdown shall not be considered malfunctions.

(iii) The term "start-up" means the setting into operation of any air pollu-

tion control equipment or process equipment for any purpose, except routine phasing in of process equipment.

(iv) The term "shutdown" means the cessation of operation of any air pollution control equipment or process equipment for any purpose, except routine phasing out of process equipment.

(v) The term "violation" means any incident of excess emissions, regardless of the circumstances of the occurrence.

(3) (i) In the case of excess emissions from the Kennecott smelter for which the Administrator has issued a Notice of Violation, the owner or operator of the subject smelter may submit the following data in order to assist the Administrator in carrying out his statutory responsibility under section 113 of the Clean Air Act to: (A) take into account, when issuing an administrative order under section 113(a)(4), the "seriousness of the violation and any good faith efforts to comply" with paragraph (d) of this section, or (B) initiate a judicial action under section 113(b)(1) or (2) or section 113(c)(1)(A) or (B), in appropriate circumstances.

(ii) Each submission shall include, as a minimum:

(A) The identity of the stack and/or other emission point where the excess emissions occurred;

(B) The magnitude of the excess emissions expressed in the units of the applicable emission limitation and the operating data and calculations used in determining the magnitude of the excess emissions;

(C) The time and duration of the excess emissions;

(D) The identity of the equipment causing the excess emissions;

(E) The nature and cause of such excess emissions;

(F) If the excess emissions were the result of a malfunction, steps taken to remedy the malfunction and the steps taken or planned to prevent the recurrence of such malfunctions;

(G) The steps taken to limit the excess emissions; and

(H) Documentation that the air pollution control equipment, process equipment, or processes were at all times maintained and operated, to the maximum extent practicable, in a manner consistent with good practice for minimizing emissions.

(4) At any time, the owner or operator of the Kennecott smelter has the right to submit data, information or reports to the Administrator, including but not limited to the information specified in paragraph (e)(2)(ii) above, in order to assist the Administrator in carrying out his statutory responsibilities under sections 113 and 303 of the Clean Air Act.

(5) The submittal of information pursuant to paragraphs (e)(3) and (4) of this paragraph shall be used by the Administrator in determining the nature of the violation, the need for further enforcement action and the appropriate sanctions, if any, under the provisions of the Clean Air Act.

(6) Nothing in this section shall be construed to limit the obligation of the source to attain and maintain the national air quality standards for SO₂, nor the authority of the Administrator to institute actions under sections 113 and 303 of the Clean Air Act or to exercise his authority under section 114 of the Clean Air Act.

[FR Doc. 77-12001 Filed 4-26-77; 8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 128—DEPARTMENT OF JUSTICE

PART 128-18—ACQUISITION OF REAL PROPERTY

Subpart 128-18.50—Uniform Relocation Assistance and Real Property Acquisition Policies

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: This rule prescribes the procedures and regulations governing relocation assistance and land acquisition policies of the Department of Justice under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970. This action incorporates changes in the guidelines for agency implementation of General Service Administration's Federal Management Circular 74-8 published on October 4, 1974 and Supplement 1 thereto, published on July 3, 1975.

EFFECTIVE DATE: This rule becomes effective on April 27, 1977.

FOR FURTHER INFORMATION CONTACT:

William H. O'Donoghue, Chief, Administrative Programs Section, Security and Administrative Programs Staff, Office of Management and Finance, Department of Justice, 10th and Constitution Ave., NW., Washington, D.C. 20530 (Phone 739-2971).

SUPPLEMENTARY INFORMATION: On August 16, 1976 there was published in the FEDERAL REGISTER (41 FR 34636) a notice of proposed rulemaking in Chapter 128 of Title 41 of the Code of Federal Regulations. The Department of Justice proposed to revise its regulations governing relocation assistance and land acquisition policies under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970. Interested parties were given the opportunity to submit, not later than August 31, 1976, written views on the proposed revised regulations. Comments were received from one private citizen. The comments suggested (1) the inclusion of a paragraph under § 128-18.5003-21 to permit individuals to receive expenses for physical changes to the replacement site and for the conversion of equipment and (2) to change the paragraph under § 128-18.5003-24(a) to entitle the displaced person to the difference between the fair market value of the personal property for continued use at its location prior to displacement and the "net proceeds of

the sale" rather than the "sale proceeds." The Department however, disagrees with this suggestion. The Department considers that adequate flexibility exists under the standard of § 128-18.5003-21(a) (6) and (8) so as to permit adequate compensation as required by the Act. The "net proceeds" suggestion is already incorporated into the rule by the provision in § 128-18.5003-24 that "reasonable costs incurred" in the sale of personal property will be covered by the Government. For these reasons, no changes are made on the basis of the comments received.

Accordingly, 41 CFR Part 128-18 is hereby adopted without change and is set forth below.

Subpart 128-18.50—Uniform Relocation Assistance and Real Property Acquisition Policies

- Sec.
- 128-18.5001 General provisions.
 - 128-18.5001-1 Purpose.
 - 128-18.5001-2 Definitions.
 - 128-18.5001-3 Time limit on applying for benefits.
 - 128-18.5001-4 Public Information.
 - 128-18.5002 Assurances of adequate replacement housing prior to displacement.
 - 128-18.5002-10 Scope of section.
 - 128-18.5002-11 Determination.
 - 128-18.5002-12 Support.
 - 128-18.5002-13 Waiver.
 - 128-18.5002-14 Decent, safe and sanitary housing.
 - 128-18.5002-15 Absence or inadequacy of local standards.
 - 128-18.5002-16 Housing provided as a last resort.
 - 128-18.5002-17 Loans for planning and preliminary expenses.
 - 128-18.5003 Moving and related expenses.
 - 128-18.5003-20 Eligibility.
 - 128-18.5003-21 Actual reasonable expenses in moving.
 - 128-18.5003-22 Nonallowable moving expenses and losses.
 - 128-18.5003-23 Expenses in searching for replacement business or farm.
 - 128-18.5003-24 Actual direct losses by business or farm operation.
 - 128-18.5004 Payments in lieu of moving and related expenses.
 - 128-18.5004-30 Scope of section.
 - 128-18.5004-31 Dwellings—schedules.
 - 128-18.5004-32 Business.
 - 128-18.5004-33 Farms.
 - 128-18.5004-34 Non-profit organizations.
 - 128-18.5004-35 Net earnings.
 - 128-18.5004-36 Amount of business fixed payments.
 - 128-18.5005 Replacement housing payments for homeowners.
 - 128-18.5005-40 Scope of section.
 - 128-18.5005-41 Eligibility.
 - 128-18.5005-42 Comparable replacement dwelling.
 - 128-18.5005-43 Computation of replacement housing payments.
 - 128-18.5005-44 Mortgage insurance.
 - 128-18.5006 Replacement housing payment for tenants and certain others.
 - 128-18.5006-50 Scope of section.
 - 128-18.5006-51 Eligibility.
 - 128-18.5006-52 Computation of replacement housing payment for displaced tenants.
 - 128-18.5006-53 Computation of replacement housing payments for certain others.

- Sec.
- 128-18.5007 Relocation assistance advisory services.
- 128-18.5007-60 Relocation assistance advisory program.
- 128-18.5007-61 Coordination of planned relocation activities.
- 128-18.5007-62 Contracting for relocation services.
- 128-18.5007-63 General contacts.
- 128-18.5008 Federally assisted programs.
- 128-18.5008-70 Assurances.
- 128-18.5008-71 Administration of relocation assistance programs.
- 128-18.5009 Annual report.
- 128-18.5009-80 Preparation.
- 128-18.5009-81 Waiver of assurance of replacement housing.
- 128-18.5009-82 Submission to General Services Administration.
- 128-18.5009-83 Maintenance of racial and ethnic data.
- 128-18.5010 Uniform real property acquisition policy.
- 128-18.5010-90 Scope of section.
- 128-18.5010-91 Acquisition procedures.
- 128-18.5010-92 Appraisal standards.
- 128-18.5010-93 Notice to move.
- 128-18.5010-94 Federally assisted programs.
- 128-18.5010-95 Exclusion of payments for relocation costs and related items.
- 128-18.5011 Administrative review.
- 128-18.5011-111 Scope of section.
- 128-18.5011-112 Review of procedure.

AUTHORITY: Sec. 213, 84 Stat. 1894, 1900 (42 U.S.C. 4633); 28 CFR 0.75(j).

Subpart 128-18.50—Uniform Relocation Assistance and Real Property Acquisition Policies

- § 128-18.5001 General provisions.
- § 128-18.5001-1 Purpose.
 - (a) The purpose of these regulations is to revise the provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 84 Stat. 1894 (42 U.S.C. 4601 et seq.), to ensure fair and equitable treatment of persons displaced by Federal and federally assisted programs and to safeguard against abuse of any of the underlying purposes, provisions, and policies of the Act.
 - (b) These regulations apply with respect to the acquisition of all real property for, and the relocation of all persons displaced, by Federal programs and projects undertaken by only those State agencies which receive Federal financial assistance for all or part of the cost.
- § 128-18.5001-2 Definitions.
 - (a) "Act" as used in this part means the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.
 - (b) "Bureau" means any of the following organizational units of the Department:
 - (1) Bureau of Prisons
 - (2) Law Enforcement Assistance Administration
 - (3) Immigration and Naturalization Service
 - (c) "Bureau head" means the head of any bureau listed in paragraph (b) of this section, or his designee.

(d) "Initiation of negotiations" means the date the bureau makes the first personal contact with the property owner or his representative and furnishes him with a written offer to purchase real property.

(e) "Dwelling" means the place of permanent or customary and usual abode of a person. It includes a single family building; a one-family unit in a multi-family building; a unit of a condominium, or cooperative housing project; any other residential unit, including a mobile home which is either considered to be real property under state law, or cannot be moved without substantial damage or unreasonable cost. The term "dwelling" does not include seasonal or part-time dwelling units, such as beach houses, mountain or other vacation cabins.

(f) "State agency" means the National Capital Housing Authority, the District of Columbia Redevelopment Land Agency, and any department, agency, or instrumentality of a State or a political subdivision of a State or any department, agency, or instrumentality of two or more States or of two or more political subdivisions of a State or States.

(g) "Federal financial assistance" means a grant, loan, or contribution provided by the United States, except any Federal guarantee or insurance and any annual payment or capital loan to the District of Columbia.

(h) "Person" means any individual, partnership, corporation, or association.

(i) "Displaced person" means a person who moves from real property, or moves his personal property from real property, as a result of the acquisition of such real property, in whole or in part, or as the result of the written order of the acquiring agency to vacate real property, for a program or project undertaken by any bureau of the Department of Justice or with Federal financial assistance; and solely for the purposes of sections 202 (a) and (b) and 205 of the Act, as a result of the acquisition of or as a result of the written order of the acquiring bureau to vacate other real property, on which such person conducts a business or farm operation, for such program or project. In order to qualify as a displaced person, a person must have moved as a result of the receipt of a written notice to vacate, or the subject real property must in fact have been acquired and the person must have moved as a result of its acquisition (except in those instances covered by sections 217 and 219 of the Act).

(j) "Business" means any lawful activity, excepting a farm operation, conducted primarily:

- (1) For the purchase, sale, lease, and rental of personal and real property, and for the manufacture, processing, or marketing of products, commodities, or any other personal property;
- (2) For the sale of services to the public;
- (3) Solely for the purpose of section 202(a) of the Act for assisting in the purchase, sale, resale, manufacture, proc-

RULES AND REGULATIONS

essing, or marketing of products, commodities, personal property, or services by the erection and maintenance of an outdoor advertising display or displays, whether or not such display or displays are located on the premises on which any of the above activities are conducted.

(k) "Farm operation" means any activity conducted solely or primarily for the production of one or more agricultural products or commodities, including timber for sale or home use, and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator's support.

(l) "Mortgage" means such classes of liens as are commonly given to secure advances on, or the unpaid purchase price of real property, under the laws of the State in which the real property is located, together with the credit instruments, if any, secured thereby.

(m) A "bona fide mortgage" is one which was a valid lien on the acquired dwelling for not less than 180 days prior to the initiation of negotiations.

(n) "Owner" means a person who holds fee title, a life estate, a 99-year lease, or has an interest in a cooperative housing project which includes the right of occupancy or a dwelling unit, or is the contract purchaser of any such estates or interests, or who is possessed of such other proprietary interest in the property acquired, as in the judgment of the head of the Bureau, warrants consideration as ownership. In the case of one who has succeeded to any of the foregoing interests by device, bequest inheritance or operation of law, the tenure of ownership, not occupancy, of the succeeding owner shall include the tenure of the preceding owner.

(o) "Financial means": For the purpose of determining financial means of families and individuals in accordance with section 205(c)(3) of the Act, a financial means test (ability to pay) must be made to satisfy the requirement set forth in § 128-18.5005-40. In order to meet a financial means test a determination should be made as to the displaced person's ability to afford the replacement dwelling. In making this determination the average monthly rental or housing cost (e.g., monthly mortgage payments, insurance for the dwelling unit, property taxes and other reasonable recurring related expenses) which the displaced person will be required to pay, in general, should not exceed 25 percent of the monthly gross income or the present ratio of housing payment to the income of the displaced family or individual, including supplemental payments made by public agencies.

(p) "Displacing agency" means a bureau in the case of a direct Federal project or a State agency in the case of a project receiving Federal financial assistance.

(q) "Family" means two or more individuals who are related by blood, adoption, marriage or legal guardianship who live together as a family unit, or upon determination by the head of the bureau, other persons who live together as a family unit.

§ 128-18.5001-3 Time limit on applying for benefits.

Applications for benefits under the Act must be made within 18 months from the date on which the displaced person moves from the real property acquired or to be acquired, or the date on which the bureau or State agency makes final payment of all costs of that real property, whichever is later. The bureau head may extend this period upon a proper showing of good cause.

§ 128-18.5001-4 Public information.

The head of each bureau shall make available to the public full information concerning the bureau's relocation programs and shall insure that persons to be displaced are fully informed, at the earliest possible time, of such matters as available relocation payments and assistance, the specific plans and procedures for assuring that suitable replacement housing will be available for homeowners and tenants in advance of displacement, the eligibility requirements and procedures for obtaining such payments and assistance, and the right of administrative review by the head of the Bureau.

§ 128-18.5002 Assurances of adequate replacement housing prior to displacement.

§ 128-18.5002-10 Scope of section.

The provisions set forth in this subsection are to guide bureaus and State agencies in implementing section 205(c)(3) and 206(b) of the Act.

§ 128-18.5002-11 Determination.

Bureaus may not proceed with any phase of a project or authorize a State agency to proceed with any phase of a project which will cause the displacement of any person until it has determined, or received satisfactory assurances from the State agency that, within a reasonable period of time prior to displacement, there will be available on a basis consistent with the requirements of Title VIII of the Civil Rights Act of 1968, in areas not generally less desirable in regard to public utilities and public and commercial facilities and at rents or prices within the financial means of the families and individuals displaced, decent, safe, and sanitary dwellings, as described in § 128-18.5002-14, equal in number to the number of, and available to, such displaced persons who require such dwellings and reasonably accessible to their places of employment.

§ 128-18.5002-12 Support.

The determination or assurances under § 128-18.5002-11 shall be based on a current survey and analysis of available replacement housing by the displacing agency. Surveys to determine availability of replacement housing shall be undertaken during the planning phase for each area wherein provisions of the Act may be applicable. Such surveys and analysis must take into account the competing demands on available housing. These surveys shall include sufficient data to provide assurances that re-

placement dwellings are available and meet requirements of the Act and criteria described herein. These surveys shall list housing currently available. Information needed to develop and maintain the survey may be secured from the Veterans Administration, Federal Housing Administration, Department of Housing and Urban Development, and Real Estate Associations.

§ 128-18.5002-13 Waiver.

In accordance with section 205(c)(3) of the Act, the bureau head may waive the assurances required under § 128-18.5002-11, but only on the basis of emergency or other extraordinary situations where immediate possession of real property is of crucial importance. Each waiver of assurance of replacement housing shall be supported by appropriate findings and a determination of the necessity for the waiver. Determinations so made shall be included in the annual report required by § 128-18.5009-80.

§ 128-18.5002-14 Decent, safe, and sanitary housing.

A decent, safe, and sanitary dwelling is one which is found to be in sound, clean and weather-tight condition, and which meets local housing codes. The bureau head shall determine if a dwelling unit is decent, safe, and sanitary, based on the following criteria. Adjustments may only be made in the cases of unusual circumstances or unique geographical areas.

(a) *Housekeeping unit.* A housekeeping unit must include a kitchen with fully usable sink, cooking stove, or connections for same, a separate complete bathroom, hot and cold running water in both the bathroom and the kitchen, and adequate and safe wiring system for lighting and other electrical services, and heating as required by climatic conditions and local codes.

(b) *Non-housekeeping unit.* A non-housekeeping unit is one which meets local code standards for boarding houses, hotels, or other congregate living. If local codes do not include requirements relating to space and sanitary facilities, standards shall be subject to the approval of the head of the bureau causing the displacement.

(c) *Occupancy standards.* Occupancy standards for replacement housing shall comply with bureau approved occupancy requirements or shall comply with local codes.

§ 128-18.5002-15 Absence or inadequacy of local standards.

In those instances where there is no local housing code or a local housing code does not contain certain minimum standards or the standards are inadequate, the bureau head shall establish the standards.

§ 128-18.5002-16 Housing provided as a last resort.

When it is determined that adequate replacement housing is not available and cannot otherwise be made available, the head of the bureau may take action or

approve action by a State agency to develop replacement housing. Bureaus taking or approving such action for replacement housing will be guided by the criteria and procedures issued by the Secretary of Housing and Urban Development (24 CFR Part 43, Subpart A) in accordance with the provision concerning section 203(a) of the Act in the President's memorandum of January 4, 1971. A State agency taking such action shall comply with the requirements and procedures of the bureau which provides the Federal financial assistance.

§ 128-18.5002-17 Loans for planning and preliminary expenses.

Federal agencies will be guided by the criteria and procedures developed by the Secretary of Housing and Urban Development (24 CFR Part 43, Subpart B) when providing loans to eligible borrowers for planning and other preliminary expenses authorized under section 215. A State agency providing such loans shall comply with the requirements and procedures of the bureau which provides the Federal financial assistance in accordance with the President's memorandum of January 4, 1971.

§ 128-18.5003 Moving and related expenses.

§ 128-18.5003-20 Eligibility.

(a) Any displaced person (including one who conducts a business or farm operation), is eligible to receive payment for moving expenses. A person who lives on his own business or farm property may be eligible for both moving and related expenses as a dwelling occupant in addition to being eligible for payments with respect to displacement.

(b) Any person who moves from real property, or moves his personal property from real property, as a result of the acquisition of such real property in whole or part, or as a result of a written notice of the acquiring bureau or State agency to vacate real property, or solely for the purpose of section 202 (a) and (b) of the Act, as a result of the acquisition of, or a written notice of the acquiring bureau or State agency to vacate, other real property on which such person conducts a farm or business, is eligible to receive a payment for moving expenses.

§ 128-18.5003-21 Actual reasonable expenses in moving.

(a) *Allowable expenses.* (1) Transportation of individuals, families, and personal property from the acquired site, to the replacement site, not to exceed a distance of 50 miles, except where the bureau head determines that relocation beyond the 50 mile area is justified.

(2) Packing, unpacking, crating, and uncrating of personal property.

(3) Advertising for packing, crating and transportation when the bureau head determines that it is necessary.

(4) Storage of personal property for a period generally not to exceed 12 months when the bureau head determines that storage is necessary in connection with relocation.

(5) Insurance premiums covering loss and damage of personal property while in storage or transit.

(6) Removal and reinstallation, and reestablishment, including such modifications as deemed necessary by the bureau head, and reconnection of utilities for, machinery, equipment, appliances, and other items, not acquired as real property. Prior to payment of any expenses for removal and reinstallation of such property, the displaced person shall be required to agree in writing that the property is personal and that the displacing bureau is released from any payment for the property.

(7) Property lost, stolen, or damaged, (not caused by the fault or neglect of the displaced person, his agent or employees) in the process of moving, where insurance to cover such loss or damage is not available.

(8) Such other reasonable expenses as determined to be allowable by the bureau head.

(b) *Limitations.* (1) When the displaced person accomplishes the move himself, the amount of payment shall not exceed the estimated cost of moving commercially, unless the bureau head determines a greater amount is justified.

(2) When an item of personal property which is used in connection with any business or farm operation is not moved but sold and promptly replaced with a comparable item, reimbursement shall not exceed the replacement cost, minus the proceeds received from the sale, or the estimated cost of moving, whichever is less.

(3) When personal property which is used in connection with any business or farm operation to be moved is of low value and high bulk, and the cost of moving would be disproportionate in relation to the value, in the judgment of the bureau head, the allowable reimbursement for the expense of moving the personal property shall not exceed the difference between the amount which would have been received for such item on liquidation and the cost of replacing the same with a comparable item available on the market. This provision will be applicable in the case of moving junk yards, stockpiled sand, gravel, minerals, metals, and similar type items of personal property.

(4) If the cost of moving or relocating an outdoor advertising display or displays is determined to be equal to or in excess of the in-place value of the display, consideration should be given to acquiring such display or displays as a part of the real property, unless such acquisition is prohibited by State law.

§ 128-18.5003-22 Nonallowable moving expenses and losses.

(a) Additional expenses incurred because of living in a new location.

(b) Cost of moving structures, or other improvements in which the displaced person reserved ownership, except as otherwise provided by law.

(c) Improvements to the replacement site, except when required by law.

(d) Interest on loans to cover moving expenses.

(e) Loss of goodwill.

(f) Loss of profits.

(g) Loss of trained employees.

(h) Personal injury.

(i) Cost of preparing the application for moving and related expenses.

(j) Payment for search cost in connection with locating a replacement dwelling.

(k) Such other items as the bureau head determines should be excluded.

§ 128-18.5003-23 Expenses in searching for replacement business or farm.

(a) To be allowed: (1) Actual travel costs.

(2) Extra costs for meals and lodging.

(3) Time spent in searching at the rate of the displaced person's salary or earnings, but not to exceed \$10.00 per hour.

(4) In the discretion of the bureau head, necessary broker, real estate or other professional fees to locate a replacement business or farm operation.

(b) *Limitation.* The total amount which a displaced person may be paid for searching expenses may not exceed \$500, unless the bureau head determines that a greater amount is justified based on the circumstances involved.

§ 128-18.5003-24 Actual direct losses by business or farm operation.

When the displaced person does not move personal property, he shall be required to make a bona fide effort to sell it, and should be reimbursed for the reasonable costs incurred.

(a) When the business or farm operation is discontinued, the displaced person is entitled to the difference between the fair market value of the personal property for continued use at its location prior to displacement and the sale proceeds, or the estimated cost of moving 50 miles, whichever is less.

(b) When the personal property is abandoned, the displaced person is entitled to payment for the fair market value of the property for continued use at its location prior to displacement, or the estimated cost of moving 50 miles, whichever is less.

(c) The cost of removal of the personal property shall not be considered as an offsetting charge against other payments to the displaced person.

§ 128-18.5004 Payments in lieu of moving and related expenses.

§ 128-18.5004-30 Scope of section.

The provisions set forth in this subsection are to guide bureaus in implementing section 202 (b) and (c) of the Act.

§ 128-18.5004-31 Dwellings — schedules.

(a) Section 202 (b) provides that at the option of the displaced person, he may receive a moving expense allowance not to exceed \$300, based on schedules established by the bureau head, and a dislocation allowance of \$200. Moving allow-

ance schedules maintained by the respective State highway departments shall be the basis for the bureau's schedule. These schedules shall provide for adequacy of reimbursement in every locality.

(b) Where there are no highway department schedules, the head of the bureau undertaking or providing Federal financial assistance to a project causing displacement in such areas shall cooperate in the development of a single moving expense schedule for the use of all displacing agencies.

(c) A displaced person who elects to receive a payment based on a schedule shall be paid under the schedule used in the jurisdiction in which displacement occurs regardless of where he relocates.

§ 128-18.5004-32 Business.

(a) *Eligibility.* A person displaced from his business as defined in section 101(7) (A), (B), and (C) of the Act, is eligible under section 202(c) of the Act to receive a fixed payment in lieu of moving and related expenses. Care must be exercised in each instance, however, to assure that such payments are made only in connection with a bona fide business, as defined in § 128-18.5001-2(j).

(b) A payment in lieu of actual reasonable moving expenses may be made under section 202(c) to the displaced owner of a business only if the local agency determines that, during the two taxable years prior to displacement, or during such other period as the head of the Federal agency determines to be more equitable, the business:

- (1) Had average annual gross receipts of at least \$2,000 in value; or
- (2) Had average annual net earnings of at least \$1,000 in value; or
- (3) Contributed at least 33 1/3 percent of the average gross annual income of the owner(s), including income from all sources, such as welfare.

If the application of the above criteria obviously creates an inequity in a given case, the head of the bureau may approve the use of other criteria as determined appropriate.

(c) Those businesses described in section 101(7) (d) of the Act are not eligible under section 202(c) for a payment in lieu of moving and related expenses.

(d) Where a displaced person is displaced from his place of business, no payment shall be made under section 202(c) of the Act until the head of the displacing bureau determines that the business is not part of a commercial enterprise having at least one other establishment not being acquired, which is engaged in the same or similar business, and that the business cannot be relocated without a substantial loss of existing patronage. The determination of loss of existing patronage shall be made by the displacing bureau only after consideration of all pertinent circumstances, including but not limited to, the following factors:

- (1) The type of business conducted by the displaced concern; or
- (2) The nature of the clientele of the displaced concern; or

(3) The relative importance of the present and proposed location to the displaced business and the availability of a suitable replacement location for the displaced person.

§ 128-18.5004-33 Farms.

Where a displaced person is displaced from only a part of his farm operation the fixed payment provided by section 202(c) of the Act shall be made only if the displacing bureau determines that the farm met the definition of a farm operation prior to the acquisition and that the property remaining after the acquisition can no longer meet the definition of a farm operation.

(a) *Eligibility.* A payment in lieu of actual reasonable moving expenses may be made to the displaced owner of a farm operation according to the criteria established for displaced owners of businesses (See § 128-18.5004-32(b)). Such a payment may be made to the displaced operator of a farm operation only if the acquiring agency determines that the farm operator has discontinued his entire farm operation at the present location or has relocated the entire farm operation.

(b) *Partial taking.* In the case of a partial taking, the operator will be considered to have been displaced from a farm operation if:

- (1) The part taken met the definition of a farm operation prior to the taking; or
- (2) The taking caused the operator to be displaced from the farm operation on the remaining land; or
- (3) The taking caused such a substantial change in the nature of the existing farm operation as to constitute a displacement.

If the use of the above criteria obviously creates an inequity in a given case, the head of the bureau may approve the use of other criteria as determined appropriate.

§ 128-18.5004-34 Nonprofit organizations.

Where a nonprofit organization is displaced, no payment shall be made under section 202(c) of the Act until after the head of the bureau determines:

(a) That the nonprofit organization cannot be relocated without a substantial loss of its existing patronage. The term "existing patronage" as used in connection with nonprofit organizations includes the persons, community, or clientele served or affected by the activities of the nonprofit organization.

(b) That the nonprofit organization is not part of a commercial enterprise having at least one other establishment not being acquired which is engaged in the same or similar activity.

§ 128-18.5004-35 Net earnings.

The term "average annual net earnings" as used in section 202(c) of the Act means one-half of any net earnings of the business or farm operation, before Federal, State, and local income taxes, during the 2 taxable years immediately preceding the taxable year in which such

business or farm operation moves from the real property acquired for a project, or during such other period as the head of the displacing bureau determines to be more equitable for establishing such earnings, and includes any compensation paid by the business or farm operation to the owner, his spouse, or his dependents during such period. If a business or farm operation has no net earnings, or has suffered losses during the period used to compute "average annual net earnings," it may nevertheless receive the \$2,500 minimum payment authorized by section 202(c) of the Act.

§ 128-18.5004-36 Amount of business fixed payment.

The fixed payment to a person displaced from a farm operation or from his place of business, including nonprofit organizations, shall be in an amount equal to the average annual net earnings of the business or farm operation except that such payment shall not be less than \$2,500 nor more than \$10,000.

§ 128-18.5005 Replacement housing payments for homeowners.

§ 128-18.5005-40 Scope of section.

The provisions set forth in this subsection are to guide bureaus in implementing section 203(a) of the Act.

§ 128-18.5005-41 Eligibility.

(a) A displaced owner-occupant is eligible for a replacement housing payment authorized by section 203(a) of the Act, not to exceed \$15,000, if he meets both of the following requirements:

(1) Actually owned and occupied the acquired dwelling from which displaced for not less than 180 days prior to the initiation of negotiations for the property, or owned and occupied the property, covered or qualified under section 217 of the Act for not less than 180 days prior to displacement.

(2) Purchases and occupies a replacement dwelling, which is decent, safe, and sanitary, not later than the end of the 1-year period beginning on the date on which he receives from the displacing bureau the final payment of all costs of the acquired dwelling, or on the date on which he moves from the acquired dwelling, whichever is the later date.

(b) A displaced owner-occupant of a dwelling who is determined to be ineligible under this subsection may be eligible for a replacement housing payment under § 128-18.5006 of these regulations.

§ 128-18.5005-42 Comparable replacement dwelling.

For the purposes of rendering relocation assistance by making referrals for replacement housing and for computation of the replacement housing payment, a comparable replacement dwelling is one which is decent, safe, and sanitary and is:

(a) Functionally equivalent and substantially the same as the acquired dwelling, but not excluding newly constructed housing.

(b) Adequate in size to meet the needs of the displaced family or individual. However, at the option of the displaced person, a replacement dwelling may exceed his needs when the replacement dwelling has the same number of rooms or the equivalent square footage as the dwelling from which he was displaced.

(c) Open to all persons regardless of race, color, religion, sex, or national origin, consistent with the requirement of the Civil Rights Act of 1964 and Title VIII of the Civil Rights Act of 1968.

(d) Located in an area not generally less desirable than the one in which the acquired dwelling is located, with respect to:

(1) Neighborhood conditions, including but not limited to municipal services and other environmental factors;

(2) Public utilities; and

(3) Public and commercial facilities.

(e) Reasonably accessible to the displaced person's place of employment or potential place of employment.

(f) Within the financial means of the displaced family or individual.

(g) Available on the market to the displaced person.

If housing meeting the requirements of this section is not available on the market, the bureau head may, upon a proper finding of the need therefor, consider available housing exceeding these basic criteria.

§ 128-18.5005-43—Computation of replacement housing payment.

The replacement housing payment of not more than \$15,000 comprises the following:

(a) *Differential payment for replacement housing.* The bureau head may determine the amount which, if any, when added to the acquisition cost of the dwelling acquired by the displacing bureau, is necessary to purchase a comparable replacement dwelling by either establishing a schedule or by using a comparative method. The relocatee is bound to the method selected for use by the displacing bureau.

(1) *Schedule method.* The bureau head may establish a schedule of reasonable acquisition costs for comparable replacement dwellings of the various types of dwellings to be acquired and available on the private market. The schedule shall be based on a current market analysis sufficient to support determinations of the amount for each type of dwelling to be acquired. When more than one Federal agency is causing displacement in a community or an area, the head of the bureau concerned shall coordinate the establishment of the schedule for replacement housing payments with such other agencies.

(2) *Comparative method.* Bureaus may determine the price of a comparable replacement dwelling by selecting a dwelling or dwellings that are most representative of the dwelling unit acquired, are available to the displaced person, and meet the definition of a comparable replacement dwelling. A single dwelling shall be used when additional comparable dwellings are not available.

(3) *Alternate method.* The bureau head may develop criteria for computing replacement housing payments when neither the schedule nor the comparative method is feasible. An alternate method proposed by a State agency is subject to prior concurrence of the bureau head.

(4) *Limitations.* The amount established as the differential payment for the replacement housing sets the upper limit of this payment.

(i) If the displaced person voluntarily purchases and occupies a decent, safe, and sanitary dwelling at a price less than the above, the comparable replacement housing payment shall be reduced to that amount required to pay the difference between the acquisition price of the acquired dwelling and the actual purchase price of the replacement dwelling.

(ii) If the displaced person voluntarily purchases and occupies a decent, safe, and sanitary dwelling at a price less than the acquisition price of the acquired dwelling, no differential payment shall be made.

(b) *Interest payment.* The bureau head shall determine the amount, if any, necessary to compensate a displaced person for any increased interest cost, including amounts paid by the purchaser. Such amount shall be paid only if the acquired dwelling was encumbered by a bona fide mortgage, i.e., one which was a valid lien on the acquired dwelling for not less than 180 days prior to the initiation of negotiations. The following shall be considered in computing the interest payment:

(1) The payment shall be equal to the excess in the aggregate interest and other debt service costs of that amount of the principal of the mortgage on the replacement dwelling which is equal to the unpaid balance of the bona fide mortgage on the acquired dwelling, at a time of acquisition over the remaining term of the mortgage on the acquired dwelling, reduced to discounted present value.

(2) The discount rate shall be the prevailing interest rate paid on savings deposits by the commercial banks in the general area in which the replacement dwelling is located.

(3) All bona fide mortgages on the dwelling acquired by the displacing agency will be used to compute the increased interest cost portion of the replacement housing payment.

(4) The computation of the payment for increased interest costs will be based on the actual term of the new mortgage or the remaining term of the old mortgage, whichever is the lesser, and the computation will be based on the actual amount of the new mortgage or the amount of the old mortgage, whichever is the lesser.

(i) Seller's points are not to be included in the interest computation.

(ii) The actual interest rate of the new mortgage will be used in the computation.

(iii) Purchaser's points and/or loan origination fees will be added to the computed interest payment.

(5) However, the interest payment shall be based on the present value of the

reasonable cost of the interest differential, including points paid by the purchaser, on the amount of the unpaid debt on the acquired dwelling for its remaining term.

(6) See Appendix 1, Format for Computation of Interest Payment.

(c) *Incidental expenses.* (1) The bureau head shall determine the amount, if any, necessary to reimburse a displaced person for actual costs incurred by him incident to the purchase of the replacement dwelling (but not including pre-paid expenses) such as:

(i) Legal, closing, and related costs including title search, preparation of conveyance instruments, notary fees, surveys, preparation of plats, and charges incident to recordation;

(ii) Lenders', FHA, or VA, appraisal fees;

(iii) FHA application fee;

(iv) Certification of structural soundness when required by lender, FHA, or VA;

(v) Credit report;

(vi) Title policies or abstracts of title;

(vii) Escrow agent's fee; and

(viii) State revenue stamps or sale or transfer taxes.

(2) No fee, cost, charge, or expense is reimbursable which is determined to be a part of the finance charge under the Truth in Lending Act, Title 1, Public Law 90-321, and Regulation "Z" (12 CFR Part 226) issued pursuant thereto by the Board of Governors of the Federal Reserve System.

(d) *Case going through condemnation.* No property owner should be deprived of the earliest possible payment of the replacement housing amounts to which he is rightfully due. The following procedure shall be used on cases involving condemnation:

(1) An advance replacement housing payment can be computed and paid to a property owner if the determination of the acquisition price will be delayed pending the outcome of condemnation proceedings. The agency may make a provisional replacement housing payment to the displaced homeowner based on the agency's maximum offer for the property, providing the homeowner enters into an agreement with the agency that:

(i) Upon final determination of the condemnation proceedings, the replacement housing payment will be recomputed using the acquisition price determined by the court as compared to the actual price paid or the amount determined necessary to acquire a comparable, decent, safe, and sanitary dwelling; and

(ii) If the amount awarded in the condemnation proceedings as the fair market value of the property acquired plus the amount of the recomputed replacement housing payment exceeds the price paid for, or the acquiring agency's determined cost of a comparable dwelling, he will refund to the acquiring agency, an amount equal to the amount of the excess. However, in no event shall he be required to refund more than the amount of the replacement housing payment advanced.

(2) If the property owner does not agree to such adjustment, the replacement housing payment shall be deferred until the case is finally adjudicated and computed on the basis of the final determination, using the award as the acquisition price.

§ 128-18.5005-44 Mortgage insurance.

The head of any Federal agency administering Federal mortgage insurance programs may, upon application by a mortgagee, insure any mortgage (including advances during construction) on a comparable replacement dwelling executed by a displaced person assisted under this section, if the mortgage is eligible for insurance under any Federal law administered by the agency notwithstanding any requirements under the law relating to age, physical condition, or other personal characteristics of eligible mortgagors and may make commitments for the insurance of the mortgage prior to the date of execution of the mortgage.

§ 128-18.5006 Replacement housing payments for tenants and certain others.

§ 128-18.5006-50 Scope of section.

The provisions set forth in this subsection are to guide bureaus in implementing section 204 of the Act.

§ 128-18.5006-51 Eligibility.

(a) A displaced tenant or owner-occupant of a dwelling for less than 180 days is eligible for a replacement housing payment not to exceed \$4,000, as authorized by section 204 of the Act, if he meets both of the following requirements.

(1) Actually occupied the dwelling for not less than 90 days prior to the initiation of negotiations for acquisition of the property or actually occupied the property covered or qualified under section 217 of the Act for not less than 90 days prior to displacement. Tenants and other persons occupying the property shall be advised when negotiations for the property are initiated with the owner thereof.

(2) Is not eligible to receive a payment under section 203 of the Act.

(b) An owner-occupant of a dwelling for not less than 180 days prior to the initiation of negotiations is eligible for a replacement housing payment as a tenant, as authorized by section 204 of the Act when he rents a decent, safe, and sanitary replacement dwelling not later than the end of the 1-year period beginning on the date on which he receives from the displacing agency final payment for all costs for the acquired dwelling, or on the date on which he moves from the acquired dwelling, whichever is the later date.

§ 128-18.5006-52 Computation of replacement housing payment for displaced tenants.

A displaced tenant is eligible for a rental replacement housing payment; or, if he purchases replacement housing within 1 year from displacement, he is eligible for a downpayment including expenses incidental to closing not to exceed \$4,000.

(a) *Rental replacement housing payment.* The bureau head shall determine the amount necessary to rent a comparable replacement dwelling by either establishing a schedule or by using a comparative method.

(1) *Schedule method.* A rental schedule may be established for renting comparable replacement dwellings as described in § 128-18.5005-42 and which are available on the private market for the various types of dwellings to be acquired. The payment shall be computed by determining the amount necessary to rent a comparable replacement dwelling for 4 years (the average monthly cost from the schedule) and subtracting from such amount 48 times the average month's rent paid by the displaced tenant in the last 3 months prior to initiation of negotiations if such rent was reasonable. The bureau head may prescribe circumstances which may dictate the use of economic rather than actual rent paid by the displaced tenant. For purposes of the regulations in this part, "economic rent" is defined as the amount of rent the displaced tenant would have had to pay for a comparable dwelling unit in an area similar to the neighborhood in which the dwelling unit to be acquired is located. The schedule shall be based on a current analysis of the market to determine an amount for each type of dwelling required. When more than one Federal agency is causing the displacement in a community or an area the bureau shall cooperate with the respective agencies in choosing the method for computing the replacement housing payment and shall use uniform schedules of average rental housing in the community or area.

(2) *Comparative method.* The average month's rent may be determined by selecting one or more dwellings most representative of the dwelling unit acquired, which is available to the displaced person and meets the definition of a comparable replacement dwelling as described in § 128-18.5005-42. The payment shall be computed by determining the amount necessary to rent a comparable replacement dwelling for 4 years and subtracting from such amount 48 times the average month's rent paid by the displaced tenant in the last 3 months prior to initiation of negotiations, if such rent was reasonable. The bureau head may prescribe circumstances which may dictate the use of economic rather than actual rent paid by the displaced tenant.

(3) *Exceptions.* The bureau head may establish the average month's rent paid by the displaced person by using more than 3 months, if he deems it advisable. If rent is being paid to the displacing agency, economic rent shall be paid in determining the amount of the payment to which the displaced tenant is entitled.

(4) *Alternate to paragraph (a) (1) and (2) of this section.* When neither method is feasible, the head of the bureau shall develop criteria for computing the payment.

(5) *Limitation.* The amount of the rental replacement housing payment

shall be computed by subtracting the economic rent of the acquired dwelling from the lesser of:

(i) The amount of rent actually paid for the replacement dwelling; or

(ii) The amount determined by the displacing agency as necessary to rent a comparable replacement dwelling.

(6) *Disbursement of rental replacement housing payment.* The head of the Federal agency shall develop procedures to implement section 204 to provide, within the \$4,000 and four-year limitations of that section, a rental replacement housing payment that will enable the displacee to rent comparable, decent, safe, and sanitary housing. The amount of the rental payment under section 204 (1) shall be determined and paid in a lump sum, except it shall be paid in installments if the displaced person so requests.

(b) *Purchases—replacement housing payment.* If the tenant elects to purchase instead of renting, the payment shall be computed by determining the amount necessary to enable him to make a down payment and to cover incidental expenses on the purchase of replacement housing, as follows:

(1) The amount of the down payment shall be the lesser of:

(i) The amount that would be required as a down payment for financing a conventional loan on a comparable dwelling; or

(ii) The amount required as a down payment for financing a conventional loan on the replacement dwelling actually purchased. The amount determined shall be added to the amount required to be paid by the purchaser as points and/or origination or loan services fee if such fees are normal to real estate transactions in the area on the comparable dwelling or the replacement dwelling, whichever is the lesser.

(2) Incidental expenses of closing the transaction are those as described in § 128-18.5005-43(c).

(3) The maximum payment may not exceed \$4,000 except that if more than \$2,000 is required, the tenant must match any amount in excess of \$2,000 by an equal amount in making the downpayment.

(4) The full amount of the replacement housing payment must be applied to the purchase price and incidental costs shown on the closing statement.

§ 128-18.5006-53 Computation of replacement housing payments for certain others.

(a) A displaced owner-occupant who does not qualify for a replacement housing payment under subsection E of this section because of the 180-day occupancy requirements and who elects to rent is eligible for a rental replacement housing payment not to exceed \$4,000. The payment shall be computed in the same manner as shown in § 128-18.5006-52(a) except that the present rental rate for the acquired dwelling shall be economic rent as determined by market data.

(b) A displaced owner-occupant who does not qualify for a replacement housing payment under subsection E of this section because of the 180-day occupancy requirement and elects to purchase a replacement dwelling is eligible for a replacement housing downpayment and closing costs not to exceed \$4,000. The payment shall be computed in the same manner as shown in § 128-18.5006-52(b).

§ 128-18.5007 Relocation assistance advisory services.

§ 128-18.5007-60 Relocation assistance advisory program.

(a) The bureau shall provide a relocation assistance advisory program including such measures, facilities, or services as may be necessary or appropriate to perform all of the tasks detailed in section 205(c) of the Act for persons displaced as a result of a program or project undertaken by the bureau.

(b) If the bureau head determines that any person occupying property immediately adjacent to the real property acquired, is caused substantial economic injury because of the acquisition, he may offer such person relocation advisory services under section 205(c) of the Act.

(c) The State agency shall provide the advisory program when bureau assisted projects are involved.

§ 128-18.5007-61 Coordination of planned relocation activities.

(a) *Federal coordination.* When two or more Federal agencies contemplate displacement activities in a given community or area, the heads of the respective bureaus responsible for the planned activities shall require that appropriate channels of communication be established between the agencies for the purpose of planning relocation activities and coordinating available housing resources. The bureau involved shall consult with the appropriate Housing and Urban Development Regional/Area Office within the jurisdictional area concerning the availability of housing. Appendix 2, HUD Field Office Jurisdictions, is a directory of regional offices, which will be maintained on a current basis by the Department of Housing and Urban Development. Subsequent updated directories will be furnished to bureaus upon request. The bureaus causing the displacement shall designate at least one representative who will meet periodically with the representatives of other agencies to review the impact of their respective programs on the community or area.

(b) *Local coordination.* To further insure maximum coordination of relocation activities in a given community or area, each Federal agency's regulations shall require that the displacing bureau consult appropriate local officials before approving any proposed project in the community, consistent with the requirements of the procedures promulgated by the Office of Management and Budget Circular A-95 (Revised). That circular provides a central point for identifying local officials.

§ 128-18.5007-62 Contracting for relocation services.

(a) *Contracting with central relocation agency.* The head of a bureau contemplating the initiation of displacement activities shall consider contracting with the central relocation agency in a community or area for carrying out its relocation activities and shall require specific performance standards for these services. The appropriate Housing and Urban Development Regional/Area Office shall provide information and assistance, on request from other Federal agencies, concerning these services.

(b) *Contracting with others.* When a centralized agency relocation agency is not available in the community or area, or if in the judgment of the bureau head the centralized agency does not have the capacity to provide the necessary services, within the time required by the bureau's program, the bureau head may contract with another public agency or a private contractor who can provide the necessary relocation services.

§ 128-18.5007-63 General contacts.

(a) *Veterans Administration (VA).* The Veterans Administration maintains a housing counseling service and a displaced persons priority program for providing VA-owned housing to displaced persons. These services may be made available to persons displaced by Federal and federally assisted programs and the local VA Loan Guarantee Office should be contacted.

(b) *Small Business Administration.* The Small Business Administration provides technical and loan counseling services for small businesses. A displaced businessman should be advised of these services.

(c) *Department of Agriculture.* The Department of Agriculture provides many services through its direct action farmer assistance programs, activities in rural nonfarm communities, and also urban communities of under 10,000 population. Coordination with the Farmer's Home Administration, Department of Agriculture, is recommended when a farm operation is displaced.

(d) *Local governmental organizations.* Local governmental organizations and agencies may have rent supplement, public housing, or related relocation assistance programs which may be utilized to provide housing for the occupants displaced from a project. Local programs should be utilized where they exist. Local nongovernmental associations may also be used in helping a displaced person. Local real estate boards, apartment owners associations, home builders associations, and other organizations may provide information and services that will help obtain comparable replacement housing for displaced persons and suitable replacement sites for displaced businesses. Also, many States have veterans' organizations which offer services to veterans. The availability of such State organizations should be ascertained and used.

§ 128-18.5008 Federally assisted programs.

§ 128-18.5008-70 Assurances.

(a) *Information.* The State agency shall provide the bureau with a statement assuring the bureau that the affected persons will be adequately informed of the benefits, policies, and procedures described in this part.

(b) *Inability to provide assurances.* The bureau shall not approve or authorize any action by a State agency which will result in the displacement of any person or the acquisition of any real property except in accordance with the following requirements:

(1) A State agency has provided satisfactory assurances as required by sections 210 and 305; or

(2) A State agency's assurances are accompanied by a statement in which it identifies any of the assurances required by section 305 which it is unable to provide, in whole or in part, under its laws. The statement should be supported by an opinion of the chief legal officer of the State agency or other appropriate legal officer. Federal agencies administering federally assisted programs may adopt procedures setting forth the conditions under which projects will be approved when State agencies cannot fully comply with section 305. In all cases there must be full compliance with all assurances required by section 210.

(c) *Compliance with sections 301 and 302.* A State agency, as part of the assurances required by section 305, shall provide a statement indicating the extent to which it can comply with the provisions of sections 301 and 302. If the State agency indicates that it is unable to comply fully with any of these policies, its statement shall be supported by an opinion of the chief legal officer of the State agency or other appropriate legal officer. State agencies should comply with sections 301 and 302 if, under State law, compliance is legally possible.

(d) *Monitoring assurances.* Bureau heads shall take continuing action to insure that State agencies are acting in accordance with the assurances they have provided.

§ 128-18.5008-71 Administration of relocation assistance programs.

(a) *Approval.* A State agency electing to contract for services pursuant to section 212 shall enter into a written contract consistent with the regulations of the bureau administering the project or program causing the displacement. The bureau head shall take affirmative action to assure that the contract is so administered as to provide uniform and effective relocation for all displaced persons, consistent with these regulations.

(b) *Contract for services by State agencies.* Contracts shall include, as a minimum, the following provisions:

(1) That payments and assistance shall be provided in accordance with these regulations as implemented by bureau procedures;

(2) That records required by bureau regulations shall be retained for a period of at least 3 years and shall be available for inspection by representatives of the bureau involved and the General Accounting Office;

(3) Clauses required by regulations implementing Title VI of the Civil Rights Act of 1964 (Pub. L. 88-353); and

(4) Any other provision approved by the bureau head administering the federally assisted program or project.

§ 128-18.5009 Annual report.

§ 128-18.5009-80 Preparation.

Each bureau shall prepare and submit an annual report on a fiscal year basis to the Assistant Attorney General for Administration on its activities with respect to the programs and policies established or authorized by the Act. This report shall consist of narrative comments and supporting statistical data and such information as may be required by the Assistant Attorney General for Administration. Bureaus shall furnish data separately for each Federal program and each federally assisted program, and a summary for the whole bureau. The data shall be provided by completing GSA Form 2997, Annual Report on Relocation and Real Property Acquisition Activities. Bureaus may obtain their initial supply of GSA Form 2997, "Annual Report on Relocation and Real Property Acquisition Activities," from General Services Administration (3FNDD), Union and Franklin Streets Annex, Building 11, Alexandria, Virginia 22314. Field offices should submit all future requirements to their Washington headquarters office.

§ 128-18.5009-81 Waiver of assurance of replacement housing.

The narrative portion of the report shall describe any situations or circumstances which required a waiver of assurance of replacement housing pursuant to subsection 205(c)(3) of the Act. For any waivers reported, submit the bureau's findings and the determination supporting waiver of the requirements of the subsection.

§ 128-18.5009-82 Submission to General Services Administration.

Each bureau shall submit seven copies of its annual report to the Assistant Attorney General for Administration by December 15 of each year in order to enable the Department to submit its complete report to the Administrator of the General Services Administration not later than December 30, of each year.

§ 128-18.5009-83 Maintenance of racial and ethnic data.

The elimination of the requirement to report racial and ethnic data in no way relieves the bureaus or their grantees of responsibility for maintaining racial and ethnic data on relocatees to the extent required by Title VI of the Civil Rights Act of 1964, other applicable Federal law,

and Executive Order 11512. Form DJ-245, Table 1, Part III, may be used for this purpose.

§ 128-18.5010 Uniform real property acquisition policy.

§ 128-18.5010-90 Scope of section.

The provisions set forth in this subsection are to guide bureaus and State agencies in implementing Title III of the Act.

§ 128-18.5010-91 Acquisition procedures.

(a) *Just compensation.* Before initiation of negotiations for the acquisition of real property, the bureau head, or the head of the State agency with the concurrence of the bureau head, shall establish an amount which he believes to be just compensation therefor. In no event shall such amount be less than the bureau's approved appraisal of the fair market value of the property.

(b) *Initiation of negotiations.* (1) *Statement to be furnished to the owner.* When negotiations for the acquisition of real property are initiated, the owner shall be provided with a written statement concerning the proposed acquisition. This statement shall include, as a minimum, the following:

(i) Identification of the real property and the estate or interest therein to be acquired, including the buildings, structures, and other improvements on the land as well as the fixtures considered to be a part of the real property; and

(ii) The amount of the estimated just compensation for the property to be acquired, as determined by the acquiring bureau or agency, and a statement of the basis therefor. In the case of a partial taking, damages, if any, to the remaining real property shall be separately stated.

(2) *Offer to purchase.* The bureau head shall make a prompt offer to purchase the property for the amount contained in the statement.

§ 128-18.5010-92 Appraisal standards.

For the purpose of promoting uniformity under section 301(3) of the Act, the head of each State agency acquiring real property shall, with the concurrence of the bureau head establish standards for appraisals used in real property acquisition, criteria for determining the qualifications of appraisers, and a system of review by qualified appraisers consistent with the current issue of the Uniform Appraisal Standards for Federal Land Acquisition published by the Interagency Land Acquisition Conference.

§ 128-18.5010-93 Notice to move.

Section 301(5) provides that, to the greatest extent practicable, no person lawfully occupying real property shall be required to move from a dwelling or to move his business or farm operation without at least 90 days written notice from the head of the displacing agency of the date by which such move is re-

quired. This subsection applies only in those instances where actual displacement of persons, businesses, or farm operations occur.

§ 128-18.5010-94 Federally assisted programs.

The bureau head shall require that State agencies reimburse owners for necessary expenses as specified in sections 303 and 304 of the Act. The bureau head shall also require that all State agencies comply with the provisions of sections 301 and 302 of the Act if compliance is legally possible under State law.

§ 128-18.5010-95 Exclusion of payments for relocation costs and related items.

For real property acquisitions under Federal Law, contracts or options to purchase real property shall not incorporate provisions for making payments for relocation costs and related items in Title II of the Act. Appraisers shall not give consideration to or include in their real property appraisals any allowances for the benefits provided by Title II. In the event of condemnation with a declaration of taking, the estimated compensation shall be determined solely on the basis of the appraised value of the real property with no consideration being given to or reference contained therein to the payments to be made under Title II of the Act.

§ 128-18.5011 Administrative review.

§ 128-18.5011-111 Scope of section.

The provisions set forth in this subsection are to guide bureaus and State agencies in providing administrative review of decisions made with the respect to duties and responsibilities established under the Act.

§ 128-18.5011-12 Review procedure.

(a) Any person aggrieved by determination as to eligibility for a payment authorized by the Act, or the amount of a payment, may apply in writing for review by the bureau head, in the case of a direct Federal program or project. The bureau head shall:

(1) Give prompt consideration of all requests for administrative review; and

(2) Give prompt written notice to the claimant of any determination made in connection with his application for review, and include a full explanation concerning any amount claimed which has been disallowed; and

(3) Provide for prompt payment of any amounts which are determined to be due the claimant.

(b) In the case of a State program or project receiving Federal financial assistance, the bureau head shall require the State agency to provide for administrative review by the head of the State agency, which review shall be subject to the same requirements as set forth in paragraph (a) of this section.

APPENDIX I—FORMAT FOR COMPUTATION OF INTEREST PAYMENT

REQUIRED INFORMATION

1. Outstanding balance of mortgage on acquired dwelling..... \$---
2. Outstanding balance of mortgage on replacement dwelling..... \$---
3. Lesser of Line 1 or Line 2..... \$---
4. Number of months remaining until last payment is due for mortgage on acquired dwelling.....
5. Number of months remaining until last payment is due for mortgage on replacement dwelling.....
6. Lesser of Line 4 or Line 5.....
7. Annual interest rate of mortgage on acquired dwelling..... %
8. Annual interest rate of mortgage on replacement dwelling (or, if it is lower, the prevailing annual interest rate currently charged by mortgage lending institutions in the general area in which the replacement dwelling is located)..... %
9. Prevailing annual interest rate paid on standard passbook savings accounts by commercial banks..... %
10. If applicable, any debt service costs on the loan on the replacement dwelling, such as points paid by the purchaser which are not reimbursable as an incidental expense..... \$---

DEVELOPMENT OF MONTHLY PAYMENT FIGURES

- A. Monthly payment required to amortize a loan of \$..... in months at an annual interest rate of percent..... \$---
- B. Monthly payment required to amortize a loan of \$..... in months at an annual interest rate of percent..... \$---
- C. Monthly payment required to amortize a loan of \$..... in months at an annual interest rate of percent..... \$---

CALCULATION OF INTEREST PAYMENT

- Step 1 Subtract A from B:
 Monthly payment based on rate for replacement dwelling (B)..... \$---
 Monthly payment based on rate for acquired dwelling (A)..... \$---
 Result (difference)..... \$---
- Step 2 Divide result (difference) of Step 1 by C (carry to 6 decimal places):
 Result (difference) from Step 1..... \$---
 Monthly payment based on savings rate (C)..... \$---
 Result (quotient)..... \$---
- Step 3 Multiply outstanding balance of mortgage on acquired dwelling by result (Quotient) of Step 2:
 Outstanding Balance (from Line 3)..... \$---
 Result (quotient) of Step 2..... \$---
 Result (product)..... \$---
- Step 4 Add to result (product) of Step 3 any debt service costs on the loan on the replacement dwelling:
 Result (product) of Step 3, first mortgage..... \$---
 Result (product) of Step 3, second mortgage..... \$---
 Sum or difference, as applicable..... \$---
 Add debt service costs on loan on replacement dwelling (Line 10)..... \$---
 Amount of interest payment..... \$---

* If there is more than one outstanding mortgage on an acquired dwelling, the discounted value of each mortgage must be determined. To do this, a separate computation is made to each mortgage through Step 3. A consolidated Step 4 is then completed.

APPENDIX II—U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FIELD OFFICE JURISDICTIONS

OCTOBER 15, 1973.

REGION I

Regional Administrator, James J. Barry, Rm. 800, John F. Kennedy Federal Building, Boston, Massachusetts 02203, Tel. (617) 233-4088.

Area Offices:

Connecticut, Hartford 06105; 999 Asylum Avenue, Tel. (203) 244-3638, Area Director, Lawrence L. Thompson.

Massachusetts, Boston 02114; Bulfinch Building, 15 New Chardon Street, Tel. (617) 233-4111, Area Director, M. Daniel Richardson, Jr.

New Hampshire, Manchester 03101; Davison Building, 1230 Elm Street, Tel. (603) 669-7681, Area Director, Creeley S. Buchanan.

Insuring Offices:

Maine, Bangor 04401; Federal Building and Post Office, 202 Harlow Street, Post Office Box 1357, FTS Tel. (207) 942-8271, Commercial Number 942-8271, Director, Wayne M. Johnson.

Rhode Island, Providence 02903; 330 Post Office Annex, Tel. (401) 528-4351, Director, Charles J. McCabe.

Vermont, Burlington 05401; Federal Building, Elmwood Avenue, Post Office Box 989, FTS Tel. (802) 862-6274, Commercial Number 862-6501, Director, Leslie E. Snow.

REGION II

Regional Administrator, S. William Green, 26 Federal Plaza, Room 3541, New York, New York 10007, Tel. (212) 264-8068.

Area Offices:

New Jersey, Camden 08103; The Parkade Building, 519 Federal Street, FTS Tel. (609) 963-3301, Commercial Number

963-2541, Area Director, Phillip G. Sedler, New Jersey, Newark 07102; Gateway 1 Building, Raymond Plaza, Tel. (201) 645-3010, Area Director, James P. Sweeney.

New York, Buffalo 14202; Grant Building, 560 Main Street, Tel. (716) 842-3510, Area Director, Frank D. Cerabone.

New York, New York 10007; 120 Church Street, Tel. (212) 264-2870, Area Director, Joseph D. Monticciolo (Acting).

Commonwealth Area Office:

Puerto Rico, San Juan 00936; 255 Ponce de Leon Avenue, Hato Rey, Puerto Rico, Mailing Address, G Post Office Box 3869, San Juan, Puerto Rico, FTS Tel. (Dial 202-967-1221, ask operator for 622-0201, from Washington, D.C., dial Code 106, ask operator for 622-0201), Commercial No. 809-765-0404, Area Administrator, Jose E. Febros Silve (Acting).

Insuring Offices:

New York, Albany 12206; Westgate North, 30 Russell Road, Tel. (518) 472-3567, Director, Robert J. Wolf (Acting).

New York, Hempstead 11650; 175 Fulton Avenue, Tel. (516) 485-5000, Director, Michael Leon (Acting).

REGION III

Regional Administrator, Theodore R. Robb, Curtis Building, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106, Tel. (215) 597-2560.

Area offices:

District of Columbia, Washington 20009; Universal North Building, 1875 Connecticut Ave. N.W., Tel. (202) 382-4855, Area Director, Harry W. Staller (Acting).

Maryland, Baltimore 21201; Two Hopkins Plaza, Mercantile Bank and Trust Building, Tel. (301) 962-2121, Area Director, Allen T. Clapp.

Pennsylvania, Philadelphia 19106; Curtis Building, 625 Walnut Street, Tel. (215) 597-2665, Area Director, Joseph A. LaSala (Acting).

Pennsylvania, Pittsburgh 15212; Two Allegheny Center, Tel. (412) 644-2802, Area Director, Charles J. Lieberth.

Virginia, Richmond 23219; 701 East Franklin Street, Tel. (804) 782-2721, Area Director, Carroll A. Mason.

Insuring Offices:

Delaware, Wilmington 19801; Farmers Bank Building, 14th Floor, 919 Market Street, FTS Tel. (302) 671-6330, Director, Henry McC. Winchester, Jr.

West Virginia, Charleston 25330; New Federal Building, 500 Quarrier Street, Post Office Box 2948, FTS Tel. (304) 343-1321, Commercial No. 343-6181, Director, H. William Rogers.

Special Recovery Office:

Scranton, Pennsylvania 18503; Lackawanna County Building, Spruce and Adams Avenue, Tel. 717-344-7393, Director, James D. Corbin.

REGION IV

Regional Administrator, E. Lamar Seals, Peachtree Seventh Building, 50 Seventh Street, N.E., Atlanta, Georgia 30323, Tel. (404) 526-5585.

Area offices:

Alabama, Birmingham 35233; Daniel Building, 15 South 20th Street, Tel. (205) 325-3264, Area Director, Jon Will Pitts.

Florida, Jacksonville 32204; Peninsular Plaza, 681 Riverside Avenue, Tel. (904) 791-2626, Area Director, Forrest W. Harrell.

Georgia, Atlanta 30303; Peachtree Center Building, 230 Peachtree Street, N.W., Tel. (404) 526-4576, Area Director, William A. Hartman, Jr. (Acting).

RULES AND REGULATIONS

Kentucky, Louisville 40201; Children's Hospital Foundation Bldg., 601 South Floyd Street, Post Office Box 1044, Tel. (502) 582-5251, Area Director, Virgil G. Kinnaird.

Mississippi, Jackson 39213; 101-C Third Floor, Jackson Mall, 300 Woodrow Wilson Avenue, W., FTS Tel. (601) 948-2267, Commercial No. 366-2634, Area Director, James S. Roland.

North Carolina, Greensboro 27408; 2309 West Cone Boulevard, Northwest Plaza, FTS Tel. (919) 275-9361, Commercial No. 275-9111, Area Director, Richard B. Barnwell.

South Carolina, Columbia 29202; 1801 Main Street, Jefferson Square, Tel. (803) 765-5591, Area Director, Clifton G. Brown.

Tennessee, Knoxville 37919; One Northshore Building, 1111 Northshore Drive, FTS Tel. (615) 524-4561, Commercial No. 584-8527, Area Director, Carroll G. Oakes.

Insuring Offices:

Florida, Coral Gables 33134; 3001 Ponce de Leon Boulevard, FTS Tel. (305) 350-6221, Commercial No. 445-2561, Director, Louis T. Balne (Acting).

Florida, Tampa 33609; 4224 28 Henderson Boulevard, Post Office Box 18165, Tel. (813) 228-2501, Director, K. Wayne Swiger.

Tennessee, Memphis 38103; 28th Floor, 100 North Main Street, Tel. (901) 534-3141, Director, Glynn G. Raby, Jr. (Acting).

Tennessee, Nashville 37203; 1717 West End Building, Tel. (615) 749-5521, Director, George N. Gregson.

REGION V

Regional Administrator, George J. Vavoulis, 300 South Wacker Drive, Chicago, Illinois 60606, Tel. (312) 353-5680.

Area offices:

Illinois, Chicago 60602; 17 North Dearborn Street, Tel. (312) 353-7660, Area Director, John L. Waner.

Indiana, Indianapolis 46205; Willowbrook 5 Building, 4720 Kingsway Drive, Tel. (317) 633-7188, Area Director, Choice Edwards (Acting).

Michigan, Detroit 48226; 5th Floor, First National Building, 660 Woodward Avenue, Tel. (313) 226-7900, Area Director, John E. Kane (Acting).

Minnesota, Minneapolis 55402; Griggs Midway Building, 1821 University Avenue, St. Paul, Minnesota 55104, Tel. (612) 725-4701, Area Director, Thomas T. Feehey.

Ohio, Columbus 43215; 60 East Main Street, Tel. (614) 469-7345, Area Director, Elmer C. Blinford (Acting).

Wisconsin, Milwaukee 53203; 744 North 4th Street, Tel. (414) 224-3223, Area Director, Richard A. Kaiser (Acting).

Insuring offices:

Illinois, Springfield 62704; Lincoln Tower Plaza, 524 South Second Street, Room 600, Tel. (217) 525-4414, Director, Boyd O. Barton.

Michigan, Grand Rapids 49505; Northbrook Building Number II, 2922 Fuller Avenue, N.E., Tel. (616) 456-2225, Director, Alfred Raven.

Ohio, Cincinnati 45202; Federal Office Building, 550 Main Street, Room 9009, Tel. (513) 684-2884, Director, Charles Collins, II (Acting).

Ohio, Cleveland 44199; Federal Building, 1240 East 9th Street, Tel. (216) 522-4065, Director, Charles P. Lucas.

REGION VI

Regional Administrator, Richard L. Morgan, Room 14B35, New Dallas Federal Build-

ing, 1100 Commerce Street, Dallas, Texas 75202, Tel. (214) 749-7401.

Area offices:

Arkansas, Little Rock 72201; Room 1490, Union National Plaza, Tel. (501) 378-5401, Area Director, Thomas E. Barber.

Louisiana, New Orleans 70113; Plaza Tower, 1001 Howard Avenue, Tel. (504) 527-2063, Area Director, Thomas J. Armstrong.

Oklahoma, Oklahoma City 73102; 301 North Hudson Street, FTS Tel. (405) 231-4801, Commercial Number: 231-4181, Area Director, Robert H. Breeden.

Texas, Dallas 75202; 2001 Bryan Tower, 4th Floor, Tel. (214) 749-1801, Area Director, Manuel Sanchez III.

Texas, San Antonio 78205; Kallison Building, 410 South Main Avenue, Post Office Box 9163, FTS Tel. (512) 225-4685, Commercial Number: 225-5511, Area Director, Finnis E. Jolly.

Insuring offices:

Louisiana, Shreveport 71101; 514 Ricou-Brewster Building, 425 Milam Street, FTS Tel. (318) 425-6601, Commercial Number: 425-1241, Director, Rudy Langford.

New Mexico, Albuquerque 87110; 625 Truman Street, N.E., Tel. (505) 768-3251, Director, Luther G. Branham.

Oklahoma, Tulsa 74152 1708 Utica Square, Post Office Box 4054, Tel. (918) 581-7435, Director, Robert H. Gardner.

Texas, Fort Worth 76102; 819 Taylor Street, Room 13A01 Federal Building, Tel. (817) 334-3233, Director, Richard M. Hazlewood.

Texas, Houston 77046; Two Greenway Plaza East, Suite 200, Tel. (713) 226-4335, Director, William A. Painter.

Texas, Lubbock 79408; Courthouse and Federal Office Building, 1205 Texas Avenue, Post Office Box 1647, FTS Tel. (806) 747-3255, Commercial Number: 747-3711, Director, Don D. Earney.

REGION VII

Regional Administrator, Elmer E. Smith, Federal Office Building, Room 300, 911 Walnut Street, Kansas City, Missouri 64106, Tel. (816) 374-2661.

Area Offices:

Kansas, Kansas City 66101; Two Gateway Center, 4th and State Streets, Tel. (816) 374-4355, Area Director, William R. Southernland.

Missouri, St. Louis 63101; 210 North 12th Street, Tel. (314) 622-4760, Area Director, Elmo O. Turner.

Nebraska, Omaha 68106; Univac Building, 7100 West Center Road, Tel. (402) 221-9301, Area Director, Guy J. Birch.

Insuring offices:

Iowa, Des Moines 50309; 210 Walnut Street, Room 259 Federal Building, Tel. (515) 284-4512, Director, Nate Ruben.

Kansas, Topeka 66603; 700 Kansas Avenue, Tel. (913) 234-8241, Director, Jim Huff (Acting).

REGION VIII

Regional Administrator, Robert C. Rosenheim, Federal Building, 1961 Stout Street, Denver, Colorado 80202, Tel. (303) 837-4881.

Insuring Offices:

Colorado, Denver 80202; 4th Floor, Title Building, 909-17th Street, Tel. (303) 837-2441, Director, Joseph G. Wagner.

Montana, Helena 59601; 618 Helena Avenue, Tel. (406) 442-3237, Director, Orvin B. Fjare.

North Dakota, Fargo 58102; Federal Building, 653-2nd Avenue N., Post Office Box 2483, Tel. (701) 237-5136, Director, Duane, R. Liffbrig.

South Dakota, Sioux Falls 57102; 119 Federal Building U.S. Courthouse, 400 S. Phillips Avenue, FTS Tel. (605) 336-2223, Commercial Number 336-2980, Director, Rodger L. Rosenwald.

Utah, Salt Lake City 84111; 125 South State Street, Post Office Box 11009, Tel. (801) 524-5237, Director, L. C. Romney.

Wyoming, Casper 82601; Federal Office Building, 100 East B Street, Post Office Box 580, FTS Tel. (307) 265-3252, Commercial Number: 265-5650, Director, Marshall F. Elliott (Acting).

REGION IX

Regional Administrator, Robert H. Balda, 450 Golden Gate Avenue, Post Office Box 36003, San Francisco, California 94102, Tel. (415) 556-4752.

Area offices:

California, Los Angeles 90057, 2600 Wilshire Boulevard, Tel. (213) 688-5973, Area Director, Roland E. Camfield (Acting).

California, San Francisco 94111, 1 Embarcadero Center, Suite 1600, Tel. (415) 556-2238, Area Director, James H. Price.

Insuring offices:

Arizona, Phoenix 85002; 244 West Osborn Road, Post Office Box 13468, FTS Tel. (602) 261-4434, Commercial Number: 261-4441, Director, Merritt R. Smith.

California, Sacramento 95809; 801 I Street, Post Office Box 1978, Tel. (916) 449-3471, Director, Richard D. Chamberlain.

California, San Diego 92112; 110 West C Street, Post Office Box 2648, Tel. (714) 593-6310, Director, Albert E. Johnson.

California, Santa Ana 92701; 1440 East First Street, FTS Tel. (213) 836-2451, Commercial Number: (714) 836-2451, Director, Robert L. Simpson.

Hawaii, Honolulu 96813, 1000 Bishop Street, 10th Floor, Post Office Box 3377, FTS Tel. (Dial 415-556-0220 and ask operator for 546-2136), Commercial Number: 546-2136, Director, Alvin K. H. Pang.

Nevada, Reno 89605, 1050 Bible Way, Post Office Box 4700, Tel. (702) 784-5356, Director, Morley W. Griswold.

REGION X

Regional Administrator, Oscar P. Pederson, Arcade Plaza Building, 1321 Second Avenue, Seattle, Washington 98101, Tel. (206) 442-5415.

Area offices:

Oregon, Portland 97204; 520 Southwest 6th Avenue, Tel. (503) 221-2558, Area Director, Russell H. Dawson.

Washington, Seattle 98101, Arcade Plaza Building, 1321 Second Avenue, Tel. (206) 442-7456, Area Director, Marshall D. Majors.

Insuring offices:

Alaska, Anchorage 99501; 334 West 5th Avenue, FTS Tel. (Dial 206-442-0150 and ask operator for 265-4790) Commercial Number: (907) 272-5561 Ext. 791, Director, James Tveit (Acting).

Idaho, Boise 83707; 331 Idaho Street, Post Office Box 32, FTS Tel. (208) 342-2232, Commercial Number: 342-2711, Director, Charles L. Holley, Jr.

Washington, Spokane 99201, West 920 Riverside Avenue, Tel. (509) 456-4571, Director, E. Daryl Mabey.

Date: March 16, 1977.

GLEN E. POWMERENING,
Assistant Attorney General
for Administration.

[FR Doc. 77-12086 Filed 4-26-77; 8:45 am]

Title 45—Public Welfare

CHAPTER X—COMMUNITY SERVICES ADMINISTRATION

[CSA Instruction 6802-5a]

PART 1068—GRANTEE FINANCIAL MANAGEMENT

Subpart—Non-Federal Share Contribution; Eligibility for Waiver of Increase

AGENCY: Community Services Administration.

ACTION: Final rule.

SUMMARY: The Community Services Administration is continuing for FY 1977 grants the use of the non-Federal share waiver criteria based on the existence of severe economic conditions in the community. This waiver criteria was developed originally for FY 1976 and FY 1977 grants; however, only procedures detailing how to request waivers for FY 1976 grants were published. The continuation of this waiver policy is intended to relieve grantees of the burden of providing increased contributions when the resources at the local level are shrinking or scarce due to economic problems beyond the control of the grantee or the community.

DATES: This regulation is effective immediately.

ADDRESS: Address all comments to: Ms. Jacqueline G. Lemire, Community Services Administration, Office of Operations, Policy Development and Review Division, 1200 19th Street NW., Washington, D.C. 20506.

FOR FURTHER INFORMATION CONTACT:

Jacqueline G. Lemire, 202-254-5670.

SUPPLEMENTARY INFORMATION: On January 4, 1975, the Economic Opportunity Act was amended by the Community Services Act. The new legislation mandated an increase in the percentage of non-Federal share contributions for certain Title II programs beginning with funds granted in FY 1976 with an additional increase for grants made with FY 1977 funds. One of the objectives of this increase was to encourage more State and local cooperation. The rationale was based on the assumption that State and local governments would be able to meet increased demands for contributions to the CSA-funded programs and that the resultant local commitment would assure a sound and continuing program. However, in the interim many State and local units of government found themselves in difficult financial situations. Therefore, regardless of the commitment many communities may have to community action

programs, some units of government and private agencies were not in a financial position to meet requests for increased contributions. To continue to require non-Federal share contributions in excess of 20% in communities where these conditions currently exist would have been inconsistent with a major intent of the legislation. Therefore, in May 1976 the Director of CSA exercised his authority under Section 225(c) of the Economic Opportunity Act to develop additional objective criteria under which part or all of the additional non-Federal share could be waived.

Since many communities remain in difficult financial situations, the Acting Director of CSA has chosen to continue the waiver provisions promulgated under 45 CFR 1068.22 (CSA Instruction 6802-5) for grants made with FY 77 funds and is hereby notifying grantees of this decision and issuing procedures to be followed in applying for a waiver. The regulations are effective immediately since there is no policy change and it is in the best interest of grantees.

(Sec. 602, 78 Stat. 530; 42 U.S.C. 2942.)

Effective date: May 26 and 27, 1977.

ROBERT C. CHASE,
Acting Director.

45 CFR 1068.22-1—1068.22-5 is amended as follows:

- Sec.
1068.22-1 Applicability.
1068.22-2 Policy.
1068.22-3 Procedures.

§ 1068.22-1 Applicability.

This subpart is applicable to all grants funded under Title II, sections 221 and 222(a) of the Economic Opportunity Act of 1964, as amended, if the assistance is administered by the Community Services Administration.

§ 1068.22-2 Policy.

(a) *Waiver criteria—severe economic conditions.* (1) Any grantee funded under Title II, sections 221 and 222(a) of the Economic Opportunity Act of 1964, as amended, may apply for a waiver of a part or all of the required non-Federal share contribution which exceeds 20% when it can document that its inability to raise the additional funds is due to severe economic problems in the community over which there is no local ability to influence or impact, e.g. an eroding tax base due to population loss; sustained high unemployed rate; sustained increased costs for public expenditures such as utilities; unanticipated reduction in Federal expenditures in the community such as the closing of military installations; etc.

(2) This waiver policy covers those grants made from October 1, 1976 and is retroactive for all fiscal year 1977 grants.

(b) *Other waiver criteria.* § 1068.20 and § 1068.21 remain in effect. Moreover, any grantee who requests a waiver under the provisions of these subparts does not have to comply with the procedures outlined in § 1068.22-3.

§ 1068.22-3 Procedures.

(a) *For FY 1977 Grants.* (1) A request for waiver of part or all of the increased non-Federal share contribution for FY 1977 shall be in the form of a letter to the Regional or Headquarters office responsible for administering the grant and can be submitted at any point in the grantee's program year. The letter must provide a detailed description of what conditions exist in the community which have caused the severe economic problems. It also must state (i) the amount (dollars) and percentage of non-Federal share required; (ii) the amount (cash plus the value of in-kind) and the percentage the community can provide; (iii) that the applicant has made a reasonable effort to raise more non-Federal share and has been unsuccessful; and (iv) the agencies/organizations and units of government contacted. (2) In addition the grantee letter will be accompanied by a letter from each of these officials contacted whose contributions were or will be below the amount requested (including "0" contributions) which states the following:

(i) That the grantee's statement in his letter to CSA regarding those circumstances in the community which created severe economic problems is an accurate reflection of the economic conditions in the community.

(ii) That they were requested by the grantee to provide the following as a non-Federal share contribution:

- A. \$....., and/or
B. In-kind valued at \$.....

(iii) That due to severe economic problems in the community they are unable to make a contribution at the level requested but that their contribution for this grant period has been or will be in the form of one or more of the following with value indicated:

- A. \$....., and/or
B. In-kind valued at \$.....

- (1) Space valued at \$.....
(2) Volunteer Services valued at \$.....

- (3) Other valued at \$.....

(iv) Specific reasons why the contribution will not be at the level requested.

(v) (Grantee who did not request waiver of FY 76 NFS under the provisions of § 1068.22 published at 41 FR 20410, May 18, 1976.)

(CSA INSTRUCTION 6802-5) SHOULD ALSO REQUEST THAT OFFICIALS PROVIDE THE FOLLOWING CERTIFICATION)

That they have provided the following resources toward the CSA Grantee's NFS requirement in the previous grant period:

- A. \$ _____
and/or
- B. In-kind valued at \$ _____.
- (1) Space valued at \$ _____.
- (2) Volunteer Services valued at \$ _____.
- (3) Other valued at \$ _____.

(b) CSA reserves the right to require that additional evidence be submitted in support of these representations.

[FR Doc.77-12003 Filed 4-26-77;8:45 am]

Title 46—Shipping

CHAPTER IV—FEDERAL MARITIME COMMISSION

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

[General Order 36, Docket No. 67-57]

PART 514—REPORTS OF RATE BASE AND INCOME ACCOUNT BY SIGNIFICANT VESSEL OPERATING COMMON CARRIERS IN THE DOMESTIC OFFSHORE TRADES

Repeal of Part 514

AGENCY: Federal Maritime Commission.

ACTION: Repeal of Part 514.

SUMMARY: This order revokes rules requiring significant vessel operating common carriers by water in the domestic offshore trades of the United States to maintain records and submit data to the Federal Maritime Commission with respect to rate base and income account. The rules are revoked, upon review of petitions for reconsideration, primarily because a substantial portion of the carriers to whom they would apply has not previously participated in their development.

EFFECTIVE DATE: April 27, 1977.

FOR FURTHER INFORMATION CONTACT:

Joseph C. Polking, Acting Secretary, Federal Maritime Commission, 1100 L Street NW., Washington, D.C. 20573, 202-523-5725.

SUPPLEMENTARY INFORMATION:

The Commission issued its Report and final rules in this proceeding on August 18, 1976 to become effective on December 6, 1976. Prior to the effective date, several persons filed petitions requesting reconsideration of these rules and/or reopening of the proceeding.¹ As a result

¹ Petitions were filed by the following carriers: (1) Matson Navigation Company (Matson); (2) Sea-Land Service, Inc. (Sea-Land); (3) Puerto Rico Maritime Shipping Authority (PRMSA); (4) Farrell Lines, Inc. (Farrell); and (5) Crowley Maritime Corporation, on its own behalf and as parent corporation for: (a) Traller Marine Transport Corp.; (b) Interisland Intermodal Lines, Inc.; (c) Gulf Caribbean Marine Lines; (d) CTMT, Inc.; (e) Hawaiian Marine Lines, Inc.; (f) Arctic Lighterage Co.; and (g) Puget Sound Tug and Barge Company (PST&B).

of these filings, the Commission postponed the effective date of the rules pending its review of the various petitions.

Of those filing petitions, only Matson, Sea-Land and PST&B have participated in this proceeding previously. All the other nine carriers were either not in the domestic offshore trade or not in existence at the time of the proceedings in this docket. For example, Farrell urges reconsideration of the final rules on the grounds that it did not enter the trade until January 1976 and, as a result, has not had an opportunity to express its views in this proceeding. Likewise, PRMSA argues that it has not had any opportunity to participate in the formulation of the final rules promulgated by the Commission because (1) the proceeding was initiated seven years before PRMSA was created; and (2) the bulk of the testimony was taken five years before PRMSA was created. PRMSA submits that sound regulatory principles and the public interest require that the proceeding be reopened to permit PRMSA to be heard before implementation of these rules.

The petitions now before the Commission also raise issues of economic and accounting theory and practice. Additionally, they reargue the burdensomeness of compliance with the rules.

After careful consideration of the petitions now before us and giving due regard to the fact that the carriers not previously participating in this proceeding represent a substantial portion of the entire capability in the very trades, i.e., domestic offshore, the Commission's final rules were intended to address, we have decided to withdraw the rules promulgated on August 18, 1976 in this proceeding and discontinue the proceeding.

Therefore, *it is ordered*, That this proceeding be, and hereby is, discontinued.

And, *it is further ordered*, That the rules promulgated on August 18, 1976 and published in the FEDERAL REGISTER on September 8, 1976 (41 FR 37785) be, and hereby are, revoked.

By the Commission.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77-11999 Filed 4-26-77;8:45 am]

proposed rules

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 967]

[Docket No. AO-354-A2]

CELERY GROWN IN FLORIDA

Extension of Time for Filing Exceptions to Recommended Decision on Proposed Amendment of Marketing Agreement and Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Extension of time for filing exceptions.

SUMMARY: At the request of the Federal Trade Commission, the time for filing exceptions is hereby extended to May 1, 1977. On March 29, 1977, the Acting Administrator, Agricultural Marketing Service, issued a recommended decision on a proposed amendment of the Florida Celery Marketing Order. The notice allowed interested persons until April 18 to file written exceptions.

DATES: Comments due by May 1, 1977.

ADDRESSES: Comments should be sent to: Hearing Clerk, Room 1077 South Building, U.S. Department of Agriculture, Washington, D.C. 20250. Four copies of all written comments shall be submitted and they will be made available for public inspection at the office of the Hearing Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

This notice is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and orders (7 CFR Part 900).

Dated: April 22, 1977

WILLIAM T. MANLEY,
Acting Administrator

[FR Doc.77-12150 Filed 4-26-77;8:45 am]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 288, 399]

[EDR-321B, PSDR-46B; Docket No. 29387]

EXEMPTION OF AIR CARRIERS FOR MILITARY TRANSPORTATION; STATEMENTS OF GENERAL POLICY

Supplemental Notice of Proposed Rulemaking

APRIL 20, 1977.

AGENCY: Civil Aeronautics Board.

ACTION: Supplemental Notice of Proposed Rulemaking.

SUMMARY: This notice extends for five days the filing dates for comments and reply comments in a rulemaking proceeding involving Military Airlift Command rates. This action was requested by the Military Airlift Command (MAC).

DATES: Initial comments: April 26, 1977. Reply comments: May 11, 1977.

FOR FURTHER INFORMATION CONTACT:

Simon J. Eilenberg, Rules Division, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428, 202-673-5442.

SUPPLEMENTAL INFORMATION: By Notice of Proposed Rulemaking EDR-321/PSDR-46, 42 FR 15336, March 21, 1976, the Civil Aeronautics Board gave notice that it had under consideration amendments to Parts 288 and 399 of its regulations (14 CFR Parts 288 and 399) concerning air transportation services performed for the Department of Defense and procured by the Military Airlift Command (MAC). The Supplemental Notice of Proposed Rulemaking EDR-321A/PSDR-46A, 42 FR 18282, April 4, 1977, extended the dates for filing initial and reply comments by two weeks, to April 21 and May 6, 1977, respectively.

By telephone on April 20, 1977, counsel for MAC has requested a further extension of five days for the filing of comments and reply comments in response to EDR-321/PSDR-46. In support of his request MAC's counsel stated that MAC requires the additional time to complete its analyses of the Board's proposals and to submit responsive comments.

Upon consideration of the foregoing the undersigned finds that good cause has been shown for the granting of the requested extension. It does not appear that the short extension of five days in the dates for filing comments and reply comments will prejudice any party to this proceeding.

Accordingly, pursuant to authority delegated in § 385.20(d) of the Board's Organization Regulations (14 CFR 385.320 (d)) the undersigned hereby extends the time for filing comments to April 26, 1977 and the time for filing reply comments to May 11, 1977.

(Sec. 204(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743 (49 U.S.C. 1324).)

SIMON J. EILENBERG,
Associate General Counsel,
Rules Division.

[FR Doc.77-12042 Filed 4-26-77;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[23 CFR Ch. 1]

[FHWA Docket No. 77-7]

METRICATION OF THE NATIONAL STANDARDS FOR TRAFFIC CONTROL DEVICES

Advance Notice of Proposed Rulemaking

AGENCY: Federal Highway Administration, DOT.

ACTION: Advanced notice of proposed rulemaking.

SUMMARY: The Federal Highway Administration (FHWA) issues this advance notice of proposed rulemaking to solicit comments on a recommended time table for conversion to the metric system and to advise the public that the FHWA is revising the Manual on Uniform Traffic Control Devices to establish metric standards for traffic control devices. The FHWA coordinates the conversion to the metric system under the Metric Conversion Act of 1975.

DATES: Comments must be received on or before June 13, 1977.

ADDRESS: FHWA Docket No. 77-7, Room 4230, Federal Highway Administration, U.S. Department of Transportation, 400 Seventh Street SW., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT:

J. J. Crowley, Director, Office of Traffic Operations, 202-426-0372; or Roberta D. Gabel, Attorney, Office of the Chief Counsel 202-426-0790; Federal Highway Administration, 400 Seventh Street SW., Washington, D.C. 20590. Office hours are 7:45 a.m. to 4:15 p.m. EST, Monday-Friday.

SUPPLEMENTARY INFORMATION: The FHWA, with the advice and assist-

ance of the National Advisory Committee on Uniform Traffic Control Devices, is revising the national Manual on Uniform Traffic Control Devices with the objective of issuing a revised edition of the manual in 1977. This edition will contain only metric units of measurement and national metric standards. The Manual is adopted by reference as standards and specifications, policies and guides by the FHWA at 23 CFR 625.3(c) (1) which is published at 42 FR 6 (Jan. 3, 1977).

This advance notice of proposed rulemaking is being issued pursuant to the policy established by section 3 of the Metric Conversion Act of 1975, Pub. L. 94-168, December 23, 1975, 15 U.S.C. 205b. Section 3 specifies that the policy of the United States shall be to coordinate and plan the increasing use of the metric system in the United States.

The FHWA, in accordance with the specified policy, is taking preparatory actions which will be helpful in facilitating conversion to the metric system. Prominent among these actions is the preparation of a metric edition of the Manual on Uniform Traffic Control Devices to replace the present edition. This Manual, in accordance with title 23, United States Code, sections 109(b), 109(d), and 402(a) contains the national standards for traffic control devices; that is, signs, signals, and pavement markings installed on all streets and highways open to public travel.

The present standards in the Manual include units of measurement in the English system for the physical characteristics of the devices, for the location of devices within the highway rights of way, and for distances and speed limits that appear upon the face of signs. These units of measurements will be converted to the metric system in a manner which will result in the least amount of change from the present English standards.

It is also intended that the conversion of existing sign legends to metric system standards, when adopted, will be implemented within reasonable periods of time. For this conversion a proposed timetable has been established by FHWA as follows:

RECOMMENDED TIMETABLE FOR PLANNING CONVERSION OF U.S. TRAFFIC SIGNS TO THE METRIC (SI) SYSTEM

	Completion
A. Develop conversion guidelines.	1976.
B. Develop metric sign drawings.	1977.
C. Publish metric MUTCD.	1977.
D. Public information program.	1978.
E. Revision of pertinent laws and regulations.	1978.
F. Begin speed sign conversion (includes advisory speed plates and vertical clearance warning signs).	July 1, 1978.
G. Reach 50% compliance.	July 1, 1979.
H. Reach 100% compliance.	Dec. 30, 1979.
I. Warning and regulatory signs.	Sept. 30, 1978.
J. Guide signs, mileposts and other advisory signs.	Sept. 30, 1978.

Many signs may be converted by the use of overlays or simple letter and num-

ber changes, but in some instances entirely new signs may be necessary.

Between the effective date of the 1977 metric edition of the Manual and the dates indicated above for converting warning, regulatory, guide, mileposts and other sign legends to metric numbers, an orderly transition period between use of the present Manual and the new metric standards will be provided to achieve maximum economies and to provide continuity of information. In regard to the conversion to metric legends, the existing Manual would also be considered an official document during the transition period. It is planned to convert all speed signs, advisory speed plates and vertical clearance warning signs between July 1, 1978, and December 30, 1979, to minimize driver confusion and facilitate law enforcement efforts.

The purpose of this advance notice of proposed rulemaking is to advise the public of the actions being taken by the Federal Highway Administration in converting the national standards for traffic devices to the metric system, and to solicit comments from interested parties.

Those desiring to comment on this advance notice of proposed rulemaking are asked to submit their views, data, and arguments in writing, preferably in triplicate. Communications should identify the FHWA Docket No. 77-7. Comments will be available for public inspection both before and after the closing date at the above address.

This advance notice of proposed rulemaking is issued under the authority of 23 U.S.C. 109 and 402, 15 U.S.C. 205, and 49 CFR 1.48.

Issued on April 7, 1977.

L. P. LAMM,
Acting Federal Highway
Administrator.

[FR Doc. 77-12044 Filed 4-28-77; 8:45 am]

**ENVIRONMENTAL PROTECTION
AGENCY**

[40 CFR Part 52]

**APPROVAL AND PROMULGATION OF
IMPLEMENTATION PLANS**

**California: Proposed Approval of
Compliance Schedules**

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: In order to satisfy the requirements of the Clean Air Act, the State of California has submitted to the Environmental Protection Agency a State Implementation Plan (SIP) for the control of air pollution. Portions of the Plan have been approved by EPA and are now enforceable by EPA as Federal regulations. On January 21, 1977 the designated representative of the Governor of California submitted to EPA compliance schedules for sources found to be in violation of the approved SIP. This publication proposes to approve these compliance schedules as revisions to the California State Implementation Plan,

thereby making the schedules federally enforceable.

DATES: (1) Final Compliance Dates: See Table below. (2) Comments must be postmarked on or before May 27, 1977.

ADDRESSES: (1) Schedules are available for inspection at the following addresses: State of California Air Resources Board, 1709 11th Street, Sacramento CA 95814; Environmental Protection Agency, Region IX, 100 California Street, San Francisco CA 94111. (2) Comments should be addressed to: Environmental Protection Agency, Region IX, Director, Enforcement Division, 100 California Street, San Francisco CA 94111.

FOR FURTHER INFORMATION CONTACT:

William Rhea, Environmental Protection Agency, Region IX, Enforcement Division, 100 California Street, San Francisco CA 94111, 415-556-0970.

SUPPLEMENTARY INFORMATION: On May 21, 1972 (37 FR 10842), September 22, 1972 (37 FR 19812), and May 14, 1973 (39 FR 12702), pursuant to section 110 of the Clean Air Act, as amended (42 U.S.C. 1857c-5) and 40 CFR Part 51, the Administrator approved and promulgated portions of the California plan for the implementation of national ambient air quality standards. On January 21, 1977, after notice and public hearings, the Governor of California through his designee submitted to the Environmental Protection Agency (EPA) revisions to the state compliance schedule portion of the approved plan. This publication proposes that these revisions be approved, with specific exceptions discussed below, pursuant to section 110 of the Clean Air Act and 40 CFR 51.8.

Six compliance schedules were submitted, all of which have been found to satisfy the requirements of section 110 of the Clean Air Act and 40 CFR Part 51. One schedule—El Capitan Oil Company, Inc. (Petition 399)—contains two sections (No. 10 and 11), each with a separate final compliance date. The final compliance dates for one section (No. 10) of the schedule for El Capitan Oil Company, Inc. and for two other schedules have expired, and the affected sources are now required to be in compliance with the applicable air pollution control regulations. Therefore, EPA will take no action with regard to the appropriate sections of the compliance schedules submitted for these sources. It is proposed that the remaining three schedules, and one section (No. 11) of the schedule for El Capitan Oil, Inc., listed below, be approved as revisions to the State plan. Each proposed compliance schedule revision establishes a new date by which the individual air pollution source must comply with an emission limitation specified by the implementation plan. This date is indicated in the table below, under the heading "Final Compliance Date". In some cases, the schedule includes incremental steps toward compliance with the specified regulations. While the table below does not

include these interim dates, the actual compliance schedule does. The increments of progress, as well as the final compliance date, are legally enforceable by the Administrator pursuant to section 113 of the Clean Air Act as amended.

An evaluation report setting forth EPA's position on each of the schedules is available at the office of EPA, Region IX. Interested persons are encouraged to submit written comments on any proposed compliance schedule. All comments will be available for public inspection during business hours.

This proposed rulemaking is issued under the authority of section 110(a) of the Clean Air Act, as amended (42 U.S.C. 1857c-5(a)).

Dated: April 1, 1977.

PAUL DE FALCO,
Regional Administrator,
Region IX.

It is proposed to amend Part 52 of Chapter I, Title 40 of the Code of Federal Regulations as follows:

Subpart F—California

1. In § 52.220, paragraph (c) is amended as follows:

§ 52.220 Identification of plan.

(c) * * * * *

(34) Supplemental information (compliance schedules) was submitted by the California Air Resources Board on January 21, 1977.

2. In § 52.240 paragraph (f) is amended by adding the following schedules to the table in subparagraph (1):

§ 52.240 Compliance schedules.

(f) * * * * *

(1) * * * * *

Source	Location (county)	Rule or regulation involved	Date of adoption	Effective date	Final compliance date
El Capitan Oil Co., Inc. (No. 11, Pet. 390)	San Diego	61, 63	Mar. 19, 1976	Immediately	May 31, 1977
Gilliland Oil & Land Co. (No. 16)	Santa Barbara	32.1	Aug. 4, 1976	do	May 15, 1978
Husky Oil Co. of Delaware (No. 17)	do	32.1	do	do	Do.
Wichard Oil Co.—Broderick Facility (No. 70-000)	Yolo-Solano	2.21	May 14, 1976	do	May 14, 1977

[FR Doc.77-12076 Filed 4-26-77;8:45 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[50 CFR Part 255]

FISHING VESSEL OBLIGATION GUARANTEE PROGRAM PROCEDURES

Proposed Rulemaking

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Proposed rule.

SUMMARY: The National Oceanic and Atmospheric Administration proposes to amend its Fishing Vessel Obligation Guarantee program regulations by increasing the fees paid by those applying for or receiving guarantees under this program. The fees are being increased because previously appropriated funds for administering the program were eliminated by administrative determination and the level of present fees are insufficient to pay program administrative costs.

DATE: Comments must be received on or before May 31, 1977.

ADDRESS: Send comments to Financial Assistance Division, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C. 20235.

FOR FURTHER INFORMATION CONTACT:

Michael L. Grable, Chief, Financial Assistance Division, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C. 20235, 202-634-7496.

SUPPLEMENTARY INFORMATION: This program provides a Federal guarantee of obligations financing or refinancing up to 75 percent of the cost of

constructing, reconstructing, or reconditioning U.S. fishing vessels. Fees paid by those receiving guarantees are deposited in the Federal Ship Financing Fund, which serves as a reserve for redeeming guaranteed obligations which are defaulted.

Before October 1, 1976, the cost of administering this program had been paid by funds annually appropriated by Congress for that purpose. By administrative determination, the cost of administering the program after October 1, 1976, will be paid from the Federal Ship Financing Fund. The revenues of that fund are not presently sufficient to pay the program's administrative cost. It is, consequently, necessary to increase the fees paid by those applying for or receiving guarantees under this program, as follows:

(1) *Guarantee fee* (annual fee based on unpaid principal balance of guaranteed obligation). Increase is from 1/2 of 1 percent to 3/4 of 1 percent.

(2) *Filing and Commitment fee* (one-time fee based on initial principal amount of obligation to be guaranteed). Fee had previously been 1/2 of 1 percent of first \$100,000 of original principal amount of obligation to be guaranteed, 1/4 of 1 percent of the next \$200,000, and nothing thereafter. Increase will be to a total filing and commitment fee of 1/2 of 1 percent of the first \$300,000 of the obligation to be guaranteed and 3/4 of 1 percent on the remaining balance (with no ceiling). One-half of the total amount of the new filing and commitment fee is due as a filing fee at the time of application and is non-refundable. The other one-half of the new total amount is not payable unless the application is approved and is due as a commitment fee

at the time the Secretary's commitment is issued.

Additionally, a filing fee is for the first time established for refinancings and assumptions of previously guaranteed obligations at 1/4 of 1 percent of the unpaid principal balance of guaranteed obligations to be refinanced or assumed.

50 CFR Part 255 contains procedures for administering the Fishing Vessel Obligation Guarantee program authorized by Title XI of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1271-1279).

The proposed amendments follow:

§ 255.3 [Amended]

1. In § 255.3(g) (1) substitute "Three-quarters" for "One-half".

2. Substitute the following for 255.4 (f):

§ 255.4 Applications.

(f) (1) *Filing fee.* The filing fee for all applications (other than those in paragraph (f) (3) of this section) shall be an amount equal to 1/4 of 1 percent of the first \$300,000 (or portion thereof) of the principal amount of the obligation to be guaranteed and 1/8 of 1 percent of the balance of that obligation. This filing fee will be retained by the Secretary regardless of the application's disposition.

(2) *Commitment fee.* The commitment fee for all approved applications (other than those in paragraph (f) (3) of this section) shall be an amount equal to 1/4 of 1 percent of the first \$300,000 (or portion thereof) of the principal amount of the obligation to be guaranteed and 1/8 of 1 percent of the balance. This commitment fee is due when the Secretary first advises the applicant that its application for a guarantee has been approved and must be received by the Secretary before the actual commitment is issued. This amount, once the Secretary's commitment is issued, will be retained by the Secretary regardless of the commitment's subsequent disposition.

(3) *Refinancing or Assumption fee.* The fee for refinancing or assuming previously guaranteed obligations shall be 1/4 of 1 percent of the principal amount of the guaranteed obligation to be refinanced or assumed. This fee must accompany the application for refinancing or assumption and will be retained by the Secretary regardless of the application's disposition. Where an assumption serves mainly to protect the Secretary's interest (rather than principally as a convenience to the parties involved) the assumption fee may, in the Secretary's discretion, be waived.

(4) *Where payable.* All checks should be made payable to "NMFS, NOAA, FSFF—Commerce" and delivered to the Regional National Marine Fisheries Service Office processing the application involved.

By order of the Administrator, National Oceanic and Atmospheric Administration.

Dated: April 7, 1977.

ROBERT M. WHITE,
Administrator.

[FR Doc.77-12082 Filed 4-26-77;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.

ENVIRONMENTAL PROTECTION AGENCY

[FRL 717-7]

AVAILABILITY OF COMMENTS ON ENVIRONMENTAL IMPACT STATEMENTS AND OTHER ACTIONS IMPACTING THE ENVIRONMENT

Pursuant to the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969, and section 309 of the Clean Air Act, as amended, the Environmental Protection Agency (EPA) has reviewed and commented in writing on Federal agency actions impacting the environment contained in the following appendices during the period of February 1, 1977 and February 30, 1977.

Appendix I contains a listing of draft environmental impact statements reviewed and commented upon in writing during this review period. The list includes the Federal agency responsible for the statement, the number and title of the statement, the classification of the nature of EPA's comments as defined in Appendix II, and the EPA source for copies of the comments as set forth in Appendix VI.

Appendix II contains the definitions of the classifications of EPA's comments on the draft environmental impact statements as set forth in Appendix I.

Appendix III contains a listing of final environmental impact statements reviewed and commented upon in writing during this review period. The listing includes the Federal agency responsible for the statement, the number and title of the statement, a summary of the nature of EPA's comments, and the EPA source for copies of the comments as set forth in Appendix VI.

APPENDIX I—Draft environmental impact statements for which comments were issued between Feb. 1, 1977, and Feb. 28, 1977

Identifying No.	Title	General nature of comments	Source for copies of comments
CORPS OF ENGINEERS			
D-COE-B35005-ME	Georges River Maintenance Dredging Project, Thomaston, Maine.	3	B
D-COE-E35004-FL	Beach erosion control and hurricane surge protection study, Charlotte County, Fla.	LO-2	E
D-COE-F32047-MI	Sebewaing River Operation and Maintenance, Navigation Flood Control, Michigan.	LO-2	F
D-COE-G32023-AR	Potomac River Small Navigation Project, Fort Smith, Ark. ...	LO-2	G
D-COE-G32024-TX	Little Bay, Maintenance Dredging, Arkansas County, Tex. ...	LO-1	G
D-COE-K61014-CA	North Point Park, Marina, San Francisco County, Calif. ...	LO-2	J
D-COE-L36046-WA	Columbia River and Tributaries, Yakima-Union Gap Flood Damage Yakima River Basin, Yakima County, Wash.	LO-1	K
D-COE-L36047-00	The Dallas to Vancouver Channel Maintenance, Columbia River, Oregon and Washington.	LO-1	K
DEPARTMENT OF AGRICULTURE			
D-AFS-H61002-MO	Willow Springs Unit, Mark Twain National Forest, Douglas, Howell, and Ozark Counties, Mo.	3	H
D-AFS-J65069-WY	Huston Park Subunit, Land Management Plan, Medicine Bow National Forest, Wyo.	3	I
D-AFS-L61083-WA	Kettle Range Planning Unit, Colville National Forest, Ferry County, Wash. (USDA-FS-R6-DES-ADM-77-4).	LO-2	K

Appendix IV contains a listing of final environmental impact statements reviewed but not commented upon by EPA during this review period. The listing includes the Federal agency responsible for the statement, the number and title of the statement, and the source of the EPA review as set forth in Appendix VI.

Appendix V contains a listing of proposed Federal agency regulations, legislation proposed by Federal agencies, and any other proposed actions reviewed and commented upon in writing pursuant to section 309(a) of the Clean Air Act, as amended, during the referenced reviewing period. The listing includes the Federal agency responsible for the proposed action, the title of the action, a summary of the nature of EPA's comments, and the source for copies of the comments as set forth in Appendix VI.

Appendix VI contains a listing of the names and addresses of the sources of EPA reviews and comments listed in Appendices I, III, IV, and V.

Copies of the EPA Manual setting forth the policies and procedures for EPA's review of agency actions may be obtained by writing the Public Information Reference Unit, Environmental Protection Agency, Room 2922, Waterside Mall SW., Washington, D.C. 20460, telephone 202-755-2808. Copies of the draft and final environmental impact statements referenced herein are available from the originating Federal department or agency.

Dated: April 13, 1977.

WILLIAM D. DICKERSON,
Acting Director, Office
of Federal Activities.

Identifying No.	Title	General nature of comments	Source for copies of comments
D-AFS-L61085-OR	Rogue-Illinois Planning Unit, Shastyon National Forest, Curry and Josephine Counties, Oreg. (USDA-F6-R6-DES-ADM-77-2).	LO-1	K
D-AFS-L63025-AK	Cannery Creek Timber Sale, Unakwik Inlet, Prince William Sound, Chugach National Forest, Alaska (USDA-F8-R10-DES-ADM-77-63).	LO-1	K
D-AFS-L65026-ID	Big Game Habitat Improvement, Burning of Seral Brushfields, Clearwater, Idaho, Panhandle and Nespecke National Forests, Idaho (R1-DES-77-4).	LO-1	K
D-SCS-C36023-NJ	Furnace Brook Watershed, Channel Work, Warren County, N.J.	LO-1	C
D-SCS-D36023-PA	East Branch Brandywine Creek Watershed Project, Chester, Pa.	LO-1	D
DEPARTMENT OF COMMERCE			
D-EDA-F38004-MI	Eastern Market Wholesale Distribution Center, Railroad Spur, Wayne County, Mich.	LO-2	F
DEPARTMENT OF DEFENSE			
D-USA-A11056-00	RDX/HMX Expansion Facility, McAlester Naval Ammunition Depot, Okla., Milan Ammunition Plant, Tenn., and Newport Army Ammunition Plant, Ind.	ER-2	A
D-USA-G60003-TX	Land-Use Withdrawal, McGregor Range, El Paso County, Tex.	LO-1	G
DEPARTMENT OF INTERIOR			
D-BIA-J61015-CO	Mancos Canyon Indian Park, Ute Mountain, Ute Reservation, Colo.	LO-1	I
D-IBR-H31000-KS	Kanopolis Unit, Smoky Hill Division, Pick-Sloan Missouri Basin Program, Ellsworth County, Kans.	3	H
D-IBR-K28004-NV	Southern Nevada Water Project, 2d Stage, Nevada.....	ER-2	J
DEPARTMENT OF TRANSPORTATION			
D-CGD-F32001-MH	Proposed Loran-C Transmitting Station, Lakes of the Wood and Koochiching Counties, Minn.	LO-1	F
D-FHW-K40048-NV	McCarraan Blvd., North-West Quadrant and North-South Freeway to Pyramid, Reno, Nev.	LO-2	J
D-FAA-E51020-FL	Southwest Florida Regional Airport, Lee County, Fla.	ER-2	E
D-FAA-F51009-MI	Runway Extension, Kalamazoo Airport, Kalamazoo County, Mich.	3	F
D-FHW-C40028-NY	I-481 Extension, Collamer to Bear Rd. Interchange, Onandaga County, N.Y.	ER-2	C
D-FHW-D40041-MD	MD-97, Taney Town Bypass, Carroll County, Md.	LO-2	D
D-FHW-G36002-TX	Railroad Demonstration Project, to U.S. 69 Crossing, Greenville, Hunt County, Tex.	LO-1	G
D-FHW-H40063-NB	U.S. 275 and U.S. 81, Norfolk, Madison County, Nebr. (FHWA-NB-EIS-76-09-D).	ER-2	H
D-FHW-L40047-WA	WA-16, Vicinity of Cheney Stadium, Tacoma to Narrows, Bridge, Pierce County, Wash. (FHWA-WA-EIS-76-03-D).	ER-2	K
D-FHW-L40048-OR	North and South Tigard Interchange, Pacific Highway, I-5, Multnomah, Clackamas, and Washington Counties, Oreg. (FHWA-OR-EIS-76-04-D).	LO-2	K
ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION			
D-ERD-A00123-WA	High Performance Fuel Laboratory, Hanford Reservation, Richland, Benton County, Wash.	ER-2	A
FEDERAL ENERGY ADMINISTRATION			
D-FEA-F09001-IN	Proposed Naphtha Allocation, SNG Production, Indiana Gas Co., Ind.	ER-2	F
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT			
D-HUD-E28020-AL	Louder County Rural Water System Improvements, Louder County, Ala. (CDBG).	LO-2	E
D-HUD-E85015-FL	Leslie Estates, Dade County, Fla.	LO-2	E
D-HUD-E85017-FL	Bent Tree, Dade County, Fla. (RO4-EIS-76-11D).....	LO-2	E
D-HUD-E85018-NC	Greater Winston-Salem State University Project, Forsyth County, N.C. (CDBG).	LO-2	E
D-HUD-E85019-FL	Pinebrook Estates Unit 1, Pinellas County, Fla. (HUD-RO4-EIS-76-17-D).	ER-2	E
D-HUD-E85020-FL	7 Springs Subdivision, Pasco County, Fla. (HUD-RO4-EIS-76-15-D).	LO-2	E
D-HUD-E85021-FL	Vista Verde Subdivision, Dade County, Fla. (HUD-RO4-EIS-76-18-D).	ER-2	E
D-HUD-G85021-TX	Pine Trails Subdivision, Harris County, Tex.	LO-1	G
D-HUD-G85022-TX	Proposed Memorial Parkway Subdivision, Harris County, Tex.	LO-1	G
D-HUD-K85005-CA	Residential Redevelopment in Suisun, Solano County, Calif.	3	J
D-HUD-L85001-WA	West Campus, Planned Community, King County, Wash. (HUD-R010-EIS-76-1D).	LO-1	K

NOTICES

Identifying No.	Title	General nature of comments	Source for copies of comments
INTERSTATE COMMERCE COMMISSION			
D-ICC-E53002-8C	The East Coast and Berkeley RR. Co., Construction and Operation, Berkeley County, S.C.	LO-2	E
D-ICC-F53004-09	Chicago, South Shore, and South Bend RR, Discontinuance of Passenger Train Service, Indiana and Illinois.	EU-3	F
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION			
D-NAS-K12003-CA	Modification of 40 by 80 ft Subsonic Wind Tunnel, Ames Research Center, Moffett Field, Calif.	LO-2	J
NUCLEAR REGULATORY COMMISSION			
D-NRC-A00125-00	Manufacture of Floating Nuclear Powerplants, Floating and Land-Based Nuclear Plants Associated With the Accidental Release of Radioactive Material to the Aqueous environment.	3	A
D-NRC-F00005-OH	William H. Zimmer, Nuclear Power Station, Dayton Power & Light, Columbus & Southern Ohio Electric, Cincinnati Gas & Electric, Docket No. 50-358, Clermont County, Ohio.	LO-2	F
D-NRC-J01010-WY	Bear Creek Project, Rocky Mountain Energy Co., Converse County, Wyo. (Docket No. 50-8452) (NUREG-0129).	ER-2	I
DS-AEC-A00041-MI	Pallsades Nuclear Generating Plant, Located on Lake Michigan Consumers Power Co., Van Buren County, Mich.	LO-2	F

APPENDIX II—DEFINITIONS OF CODES FOR THE GENERAL NATURE OF EPA COMMENTS

ENVIRONMENTAL IMPACT OF THE ACTION

LO—Lack of Objection

EPA has no objections to the proposed action as described in the draft impact statement; or suggests only minor changes in the proposed action.

ER—Environmental Reservations

EPA has reservations concerning the environmental effects of certain aspects of the proposed action. EPA believes that further study of suggested alternatives or modifications is required and has asked the originating Federal agency to reassess these impacts.

EU—Environmentally Unsatisfactory

EPA believes that the proposed action is unsatisfactory because of its potentially harmful effect on the environment. Furthermore, the Agency believes that the potential safeguards which might be utilized may not adequately protect the environment from hazards arising from this action. The Agency recommends that alternatives to the action be analyzed further (including the possibility of no action at all).

APPENDIX III.—Final environmental impact statements for which comments were issued between Feb. 1, 1977 and Feb. 28, 1977

Identifying No.	Title	General nature of comments	Source for copies of comments
CORPS OF ENGINEERS			
F-COE-A35097-OH	Small Boat Harbor of Refuge, Fairport Harbor, Lake County, Ohio.	EPA's concerns were adequately addressed in the final EIS.	F
F-COE-A36304-IN	Little Calumet River Basin, Flood Protection, Indiana.	EPA's concerns were adequately addressed in the final EIS. In addition, EPA expects future 308 planning to assist in determining the finalization of the project's plans.	F
FS-COE-A36428-WA	Grays Harbor and Chehalis River Navigation Project, Operation and Maintenance, South Reach, Sand Island, Realignment, Washington.	EPA's concerns were adequately addressed in the final EIS.	K
F-COE-A34433-PA	Tyrone Flood Protection Project, PA-453 Relocation and Improvement, Little Juniata River and Bald Eagle Creek, Blair County, Pa.	EPA expressed severe environmental reservations over the impacts of this project. Principal concerns include the impacts of stream channelization, such as the loss of a fishery resource and potential downstream flooding.	A

Identifying No.	Title	General nature of comments	Source for copies of comments
F-COE-Ca2006-NY	Dunkirk Harbor, Improvements, Chautauqua County, N.Y.	EPA's concerns were adequately addressed in the final EIS. However, EPA recommended a water quality monitoring program for the project area be established.	C
F-COE-E35015-00	Gulf Intracoastal Waterway Dredging, Pearl River to Apalachee Bay (La., Fla., and Miss.).	EPA expressed concern that more specific information on the biological characteristics of dredged spoil disposal sites is needed to support decisionmaking on this project and suggested that the 1976 quality criteria for water be used for determining limits of pollutants in sediments.	F
F-COE-F30003-MI	Muskegon Harbor, Mitigation of Shore Damage, Federal Navigation Structures, Michigan.	EPA's concerns were adequately addressed in the final EIS.	F
F-COE-F30007-MI	Grand Haven Harbor, Mitigation of Shore Damage Attributed to Federal Navigation, Ottawa County, Mich.	.....do.....	F
F-COE-F30009-MI	Port Sanilac Harbor, Mitigation of Shore Damage, Michigan.	.....do.....	F
F-COE-F32020-OO	Calumet Harbor and River, Dredging and Disposal, Illinois and Indiana.	.....do.....	F
F-COE-F32033-MI	Maintenance Dredging of Federal Navigation Channels, Clinton River, Mich.	.....do.....	F
DEPARTMENT OF AGRICULTURE			
F-AFS-A42402-AZ	Clarkdale-Williams Highway.	EPA's concerns were adequately addressed in the final EIS.	J
F-SCS-D36019-WV	Dunlop Creek Watershed, Local Flood Protection, Fayette and Raleigh Counties, W. Va.	.....do.....	D
DEPARTMENT OF INTERIOR			
F-BLM-J01005-CO	Proposed Development of Coal Resources in Northwest Colorado; Routt, Moffat, and Rio Blanco Counties, Colo.	EPA indicated its continuing concern over the potential for national ambient air quality standards violation which could result from project actions as described. In addition, EPA recommended that BLM amend its management framework planning process to develop a comprehensive land-use plan reflecting multi-use goals for the area. Also, EPA recommended that BLM develop implement best management practices in conjunction with USGS general mining orders to reduce nonpoint sources of water pollution from mining activities.	I
DEPARTMENT OF TRANSPORTATION			
F-CGD-K60001-CA	Dumbarton Bridge Replacement, CA-84, Alameda and San Mateo Counties, Calif.	EPA requested the USCG submit additional traffic information to establish the projects' consistency with the California State implementation plan. Therefore, EPA withheld comments on the final EIS until this information is made available.	F
F-FAA-F31003-MI	Mount Pleasant Municipal Airport Runway Extension and Miscellaneous Improvements, Isabella County, Mich.	EPA's concerns were adequately addressed in the final EIS.	F
F-FHW-A42247-NY	Westside Highway Project, New York City, N.Y.	The EPA reviewed the final EIS for the westside highway project in New York City, N.Y., and has found the proposed highway environmentally unsatisfactory. This conclusion was reached because the highway will increase the amount of auto travel into and through the borough of Manhattan, an effect which is prohibited by the transportation control portion of the State implementation plan developed pursuant to the 1970 Clean Air Act. EPA recommends a lower cost alternative road solution for the west side of Manhattan which would allow the city to trade in the highway for badly needed mass transit capital funds. Pursuant to the authority under sec. 309(b) of the Clean Air Act as amended, EPA has referred the westside highway project to the council on environmental quality as unsatisfactory.	C
F-FHW-D40015-PA	LR 1015 and LR 69 Relocation, New Stanton to Delmont, Westmoreland County, Pa.	EPA's concerns were adequately addressed in the final EIS. However, EPA requested further consultation with respect to noise and water quality aspects of the project.	D
F-FHW-F40025-IL	U.S. 122, U.S. 7, Street Wacker Dr., Randolph St., Columbus Dr., North Lake Shore Dr., Cook County, Ill.	EPA's concerns were adequately addressed in the final EIS.	F

NOTICES

Identifying No.	Title	General nature of comments	Source for copies of comments
F-FHW-F4007-WI	U.S. 2, Belknap Viaduct, Superior Douglas County, Wis.	.....do.....	F
F-FHW-F40033-OH	I-470, Barfield Rd. to Ohio, Belmont County, Ohio (FHWA-OH-75-01-F).	EPA continues to have environmental reservations on the proposed project. EPA still has concerns regarding the proposed channel changes on Stillhouse Run and Whiskey Run. Assurance must be provided to EPA that this project will not result in the deterioration of water quality in the affected streams or in the violation of applicable water quality standards. EPA expects that its concerns regarding channel work and associated water quality impacts be resolved prior to submission of a sec. 404 permit application.	F
F-FHW-F40064-WI	I-43, Manitowoc Rd., CTH JJ, Manitowoc County, Wis.	EPA's concerns were adequately addressed in the final EIS.	F
F-FHW-H40014-IA	U.S. 18 Expressway, Clayton County, Iowa (FHWA-IA-EIS-74-13-F).	The final statement adequately responded to EPA's concerns on the draft statement. However, the Federal Highway Administration (FHWA) was advised that EPA has requested the Corps of Engineers to reevaluate their sec. 404 jurisdiction regarding a proposed channel relocation of a portion of Bloody Run Creek, a popular Iowa trout stream. EPA requested that FHWA not proceed with design decisions regarding the creek crossing until the corps' jurisdiction is determined, and suggested in the interim the FHWA give consideration to alternative routes which do not require channel relocation.	H
F-FHW-H40033-MO	MO-36, St. Joseph, Buchanan County, Mo.	EPA expressed severe environmental reservations with the proposed project. The project is expected to perpetuate or exacerbate noise levels which now approach or exceed Federal Highway Administration noise standards. In addition, EPA considered the final EIS inadequate since it did not adequately evaluate the environmental impacts associated with the required demolition of several structures.	H
FEDERAL ENERGY ADMINISTRATION			
F-FEA-A03064-OO	Strategic Petroleum reserve, Title I, Pt. B of the Energy Policy and Conservation Act of 1975, Public Law 94-163 9 (FES 76-2).	EPA found the final programmatic EIS to respond satisfactorily to most of the general concerns raised in our review of the draft EIS. However, EPA urged FEA in its final decision-making process, to take a more careful look at the assumptions for the overall petroleum reserve program.	A
FEDERAL POWER COMMISSION			
FS-FPC-A06431-WI	Disposal of a Portion of Fort Holabard, Baltimore County, Md.	EPA's concerns were adequately addressed in the supplement to the final EIS.	F
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT			
F-HUD-D85007-MD	St. Charles Communities, Charles County, Md.	EPA continues to have environmental reservations related to the further development of St. Charles communities as described in the final EIS. These reservations concerned water supply, sewage treatment, noise, and air quality aspects of the project.	D
F-HUD-F85012-MN	Trans Union Planned Unit Development, Diamond Path Addition, Dakota County, Minn.	Generally, EPA's concerns were adequately addressed in the final EIS. Specifically, EPA had indicated its concern that the proposed development would adversely affect the already overloaded waste water treatment plant. HUD has concurred with this assessment and has agreed not to provide mortgage until the waste water treatment plant is upgraded.	F
F-HUD-K85004-CA	Woodside Village, West Covina, Walnut, Calif.	EPA has continuing environmental reservations concerning the project. EPA feels that HUD can take a more active role in the process of mitigating the adverse impact of increased VMT in projects such as these. Furthermore, the FEIS is not entirely responsive to EPA's request that air quality projections be provided.	J
NUCLEAR REGULATORY COMMISSION			
FS-AEC-A00059-PA	3 Mile Island Nuclear Station, Unit 2, Metropolitan Edison, Jersey Central Power & Light, and Pennsylvania Electric Cos., Pa.	EPA's concerns were adequately addressed in the final EIS. EPA requested the NRC keep EPA informed of all changes or modifications to the preoperational and operational monitoring programs that are to be performed by the applicant.	D

APPENDIX IV.—Final environmental impact statements which were reviewed and not commented on between Feb. 1 and Feb. 28, 1977

Identifying No.	Title	Source of review
CORPS OF ENGINEERS		
F-COE-A3639-PA	Hay Creek Flood Control Project, Birdsboro, Pa.	D
F-COE-A39121-AK	Talkeetna and Susitna River Project, Alaska	K
F-COE-B35004-CT	Maintenance Dredging, Patchogue River, Westbrook, Middlesex County, Conn.	B
F-COE-G35001-TX	Sterling C. Robertson Dam and Limestone Lake, Robertson and Leon Counties, Tex.	G
F-COE-L39003-AK	Proposed Small Boat Harbor, Hoonah, Alaska	K
DEPARTMENT OF AGRICULTURE		
F-AFS-J65019-MT	North End Planning Unit, Deerledge National Forest, Mont.	I
F-AFS-L61009-OR	Oregon Dunes National Recreation Area Wilderness Suitability Report, Coos, Douglas, and Lane Counties, Oreg. (USDA-FS-R6-FES-75-06)	K
F-AFS-L61056-ID	Beartrap-Dutchler Planning Unit, Salmon National Forest, Idaho (USDA-FS-ES-ADM-R4-76-9)	K
F-SCS-C36002-NY	Mill Brook Watershed Project, Chenango County, N.Y.	C
DEPARTMENT OF COMMERCE		
F8-NOA-A99114-00	Rules and Regulations for Implementing the Coastal Energy Impact Program, Sec. 308 of the Coastal Zone Management Act of 1972 (CZM)	A
F-NOA-A99114-00	do.	A
F-NOA-B91001-00	Atlantic Herring, Preliminary Management Plan	B
F-NOA-B91002-00	Other Finfish, Preliminary Management Plan	B
F-NOA-B91003-00	Short- and Long-Finned Squid, Preliminary Management Plan	B
F-NOA-B91004-00	Atlantic Mackerel, Preliminary Management Plan	B
F-NOA-B91005-00	Red and Silver Hake, Preliminary Management Plan	B
F-NOA-L90005-AK	Trawl Fishery of the Gulf of Alaska, Preliminary Management Plan	K
F-NOA-L90006-AK	Trawl Fishery of the Bering Sea and Aleutian Islands, Preliminary Management Plan	K
F-NOA-L90007-AK	King and Tanner Crabs of the Eastern Bering Sea, Preliminary Management Plan	K
F-NOA-L90008-00	Shrimp of the Eastern Bering Sea and Gulf of Alaska, Preliminary Management Plan	K
F-NOA-L90009-00	High Seas Salmon Fisheries of Japan, Preliminary Management Plan	K
DEPARTMENT OF DEFENSE		
F-USN-D03002-VA	POL Bulk Pipelines, Naval Supply Center, Norfolk, Va.	D
DEPARTMENT OF TRANSPORTATION		
F-FAA-E51004-MS	Roscoe Turner Field Improvements, Corinth, Miss.	E
F-FHW-E40004-AL	Street Improvements, Mobile County, Ala. (FHWA-AL-EIS-75-02-F)	E
F-FHW-E40007-TM	TN-61, Oliver Springs to TN-61, Oliver Springs Bypass, Anderson and Roane Counties, Tenn. (FHWA-TN-EIS-71-30-F)	E
F-FHW-H40005-NB	Stolley Park Rd., Grand Island, Hall County, Nebr.	H
F-FHW-J40021-MT	U.S. 191 Spur, Mont.	I
F-FHW-L40038-ID	American Falls Dam, I-15 West, Power County, Idaho (FHWA-ID-EIS-75-05-F)	K
FOOD AND DRUG ADMINISTRATION		
RF-PDA-A25033-00	Plastic Bottles for Carbonated Beverages and Beer	A
FEDERAL ENERGY ADMINISTRATION		
F-FEA-G03003-LA	Cote Blanche Mine, Strategic Petroleum Reserve, St. Mary's County, La.	G
F-FEA-G03004-LA	West Hackberry Salt Dome, Strategic Petroleum Reserve, Cameron, La.	G
F-FEA-G03005-LA	Weeks Island Mine, Strategic Petroleum Reserve Iberia, County, La.	G
F-FEA-G03006-TX	Bryan Mound Salt Dome, Strategic Petroleum Reserve, Brazoria County, Tex.	G
F-FEA-G03007-LA	Bayou Choctaw Salt Dome, Strategic Petroleum Reserve, Iberville Parish, La.	G
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT		
F-HUD-E85014-FL	Devon-Aire Estates, Dade County, Fla.	E
F-HUD-G24003-AR	Brockenridge-Union Water System, Jackson County, Ark.	G
F-HUD-G85015-TX	Los Rios Subdivision, Plano Collin County, Tex.	G
F-HUD-G85017-TX	Anderson Mill Subdivision, Austin, Travis County, Tex.	G
F-HUD-G86001-TX	Code Enforcement and Demolition of Unsafe Structures, Dallas County, Tex.	G
NUCLEAR REGULATORY COMMISSION		
F-NRC-G06002-OK	Black Fox Nuclear Generating Station, Units 1 and 2, Rogers County, Okla.	G
U.S. POSTAL SERVICE		
F-UPS-E81013-GA	U.S. Post Office and Vehicle Maintenance Facility, Atlanta, Ga.	E

APPENDIX V.—Regulations, legislation, and other Federal agency actions for which comments were issued between Feb. 1 and Feb. 28, 1977

Identifying No.	Title	General nature of comments	Source for copies of comments
CONSUMER PRODUCT SAFETY COMMISSION			
R-CPS-A25035-00	15 CFR Pt. 1301, Refuse Bins Proposed Rule Under the Consumer Product Safety Act to Declare Certain Refuse Bins as Banned Hazardous Products.	EPA has no objection to the proposed rulemaking. However, EPA made several suggestions which would strengthen the rule.	A
DEPARTMENT OF TRANSPORTATION			
R-FAA-A52101-00	14 CFR Pt. 91, Turboprop-Powered Airplanes, Delayed Landing Flap Procedure (Docket No. 15620 Notice No. 76-26).	EPA had no objections to the proposed rulemaking.	A

APPENDIX VI—SOURCE FOR COPIES OF EPA COMMENTS

A. Public Information Reference Unit (PM-213), Environmental Protection Agency, Room 2922, Waterside Mall SW., Washington, D.C. 20460.

B. Director of Public Affairs, Region 1, Environmental Protection Agency, John F. Kennedy Federal Building, Boston, Massachusetts 02203.

C. Director of Public Affairs, Region 2, Environmental Protection Agency, 26 Federal Plaza, New York, N.Y. 10007.

D. Director of Public Affairs, Region 3, Environmental Protection Agency, Curtis Building, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106.

E. Director of Public Affairs, Region 4, Environmental Protection Agency, 345 Courtland Street NE, Atlanta, Georgia 30308.

F. Director of Public Affairs, Region 5, Environmental Protection Agency, 239 South Dearborn Street, Chicago, Illinois 60604.

G. Director of Public Affairs, Region 6, Environmental Protection Agency, 1201 Elm Street, Dallas, Texas 75270.

H. Director of Public Affairs, Region 7, Environmental Protection Agency, 1735 Baltimore Street, Kansas City, Missouri 64108.

I. Director of Public Affairs, Region 8, Environmental Protection Agency, 1860 Lincoln Street, Denver, Colorado 80203.

J. Director of Public Affairs, Region 9, Environmental Protection Agency, 100 California Street, San Francisco, California 94111.

K. Director of Public Affairs, Region 10, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101.

[FR Doc. 77-11859 Filed 4-26-77; 8:45 am]

[FRL 718-2]

PESTICIDE ENFORCEMENT POLICY STATEMENT NO. 7 AERIAL APPLICATION OF REGISTERED PESTICIDES

I. GENERAL BACKGROUND

On May 5, 1975, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER a document entitled "Institution of Enforcement Policy Statements" (40 FR 19526). It was the Agency's purpose in instituting this series of Pesticide Enforcement Policy Statements (PEPS) to inform the general public and persons engaged in the formulation, distribution, sale, application or

other use of pesticides, of the policies adopted by the Agency in the enforcement of the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended in 1972 and 1975 (Pub. L. 92-516; 86 Stat. 973; Pub. L. 94-140, 89 Stat. 751; 7 U.S.C. 136 et seq.; hereinafter referred to as FIFRA). PEPS are prepared and published by EPA's Office of Enforcement. Unless otherwise expressly provided, a PEPS indicates how the Agency will exercise its prosecutorial discretion, and does not interpret the law or otherwise define what is and what is not lawful conduct under FIFRA. If the Administrator subsequently promulgates regulations which interpret FIFRA, the Office of Enforcement will revoke or amend any prior PEPS to conform with such regulations. A detailed explanation of the purpose and scope of PEPS was set forth in the May 5, 1975, FEDERAL REGISTER notice.

II. PURPOSE AND SCOPE OF THIS PEPS

This PEPS sets forth the Agency's enforcement policy regarding the aerial application of pesticides whose labels bear the respective types of application instructions which are listed in Section V below. It reiterates established policy prohibiting aerial application where label instructions specifically prohibit such use. It also establishes an administrative mechanism pursuant to which pesticides whose labels bear no affirmative instructions for aerial application may, under conditions enunciated herein, be applied by air without incurring Federal enforcement sanctions. This administrative mechanism assures that (a) the proposed aerial application will be evaluated by a knowledgeable expert to ascertain the efficacy and safety of the application, and that (b) the appropriate State agency will be informed of the pesticide formulations which are being recommended for aerial application within the State. The administrative mechanism set forth in this PEPS is applicable only to products bearing application instructions described in Category V or Category VI in Section V below.

III. REGULATION OF THE USE OF REGISTERED PESTICIDES

A. FEDERAL JURISDICTION TO REGULATE PESTICIDE USE¹

Federal regulation of the use of pesticides was established for the first time with the enactment of the 1972 FIFRA amendments, specifically through the provisions of FIFRA section 3(d)(1), section 4, and section 12(a)(2)(G).² Any person who uses a registered pesticide in a manner inconsistent with its labeling is in violation of the Act and may be subject to civil or criminal sanctions.

It is the opinion of the Agency that the aerial application of a pesticide whose label bears no affirmative instruction for aerial application constitutes a

¹ This part of PEPS No. 7 represents an outline of the Agency's legal interpretation of the effect of the 1972 amendments and implementing regulations on the authority of the Agency to regulate the use of registered pesticides, including the method of application of such pesticides. As indicated above, PEPS generally describe how the Agency will exercise its prosecutorial discretion under FIFRA. As in this instance, any portion of a PEPS which interprets the law will be accompanied by an express indication that the portion is in fact interpretive. All interpretive portions of a PEPS have the concurrence of the Agency's Office of General Counsel.

² FIFRA section 3(d)(1) (7 U.S.C. 136a (d)(1)) provides that as part of the registration of a pesticide, the Administrator shall classify each pesticide for general use or for restricted use, or for both general use and restricted use as the Administrator, in his discretion, may require. (See 40 CFR Part 162.2(C).)

FIFRA section 4(a)(1) (7 U.S.C. 136b(a)(1)) empowers the Administrator to prescribe standards for the certification of applicators of restricted use pesticides. The Agency has promulgated regulations establishing certain categories of commercial (professional) applicators and setting forth minimum standards that commercial and private applicators must meet before they are certified to use pesticides classified under section 3 for "restricted use." (40 CFR Part 171.)

FIFRA section 12(a)(2)(G) (7 U.S.C. 136j (a)(2)(G)) provides that it is unlawful for "any person to use any registered pesticide in a manner inconsistent with its labeling." This section became effective upon the date of enactment of FIFRA and was determined by the Administrator to be self implementing (FIFRA Implementation Plan, 39 FR 1142). The regulations implementing the registration provision of the 1972 amendments define pesticide "use" to mean: Any act of handling or release of a pesticide, or exposure of man or the environment to a pesticide through acts, including but not limited to: (1) Application of a pesticide, including mixing and loading and any required supervisory action in or near the area of application; (2) Storage actions for pesticides and pesticide containers; and (3) disposal actions for pesticides and pesticide containers. (40 CFR 162.3 (oo).)

This definition of the term "use" has been adopted by the Office of Enforcement in the enforcement of pesticide labeling under FIFRA section 12(a)(2)(G).

violation of section 12(a)(2)(G), in that the method of application is inconsistent with that which appears on the EPA accepted label. This is the case even where aerial application of that pesticide may have become a common pest control practice. However, as set forth in the legislative history, Congress intended that EPA enforce the prohibition of section 12(a)(2)(G) in a "common sense manner," and not prohibit uses of registered pesticides which are in no way harmful and which have demonstrated beneficial effects.¹

3. PESTICIDE REGISTRATION UNDER THE 1972 FIFRA AMENDMENTS

Regulations implementing the registration provision of the 1972 FIFRA amendments require applicants for new registrations to submit data regarding the efficacy, chemistry, and hazard of the pesticide desired to be registered (40 CFR 162.8(b)).² Review of these data constitutes one of the steps necessary to accomplish the broad purposes of product registration.³

In considering a product for registration, the Agency makes specific efficacy and safety evaluations with respect to application techniques, including an analysis of the proposed application equipment, method, timing, and site. Pesticide products which do not provide directions for a particular use or application method, have generally not been subject to safety and efficacy review by the Agency with respect to such use or application method. Accordingly, it is

¹House Committee on Agriculture, H.R. Rep. No. 92-511, 92nd Cong., 1st Sess. 16 (1971); Senate Committee on Agriculture and Forestry, S. Rep. No. 92-838, 92nd Cong., 2d Sess. 16 (1972). As the Senate Committee on Agriculture and Forestry noted:

"... it is the belief of the Committee that the use of the word 'inconsistent' should be read and administered in a way so as to visit penalties only upon those individuals who have disregarded instructions on a label that would indicate to a man of ordinary intelligence that use not in accordance with such instructions might endanger the safety of others or the environment."

²House Committee on Agriculture, H.R. Rep. No. 92-511, 92nd Cong., 1st Sess. 16 (1971); Senate Committee on Agriculture and Forestry, S. Rep. No. 92-838, 92nd Cong., 2d Sess. 167 (1972). As the Senate Committee on Agriculture and Forestry stated:

"[I]t is not the intention of the Committee to prohibit any use which is in no way harmful, and which has only beneficial effects on man and his environment."

³The regulations implementing the registration provision of the 1972 amendments require applicants to gather data by performing laboratory and/or field-tests which simulate actual use conditions. These tests "will vary according to the characteristics of the chemical, the type of formulation, the target pest, the use patterns, and the methods and time of application." (40 CFR 162.8(b)(2).)

The board purposes of the registration process are four fold. First, registration of a product provides a mechanism for the view of information regarding the safety and efficacy of the pesticide as proposed for use (and as likely to be used) under widespread

the policy of the Office of Enforcement that pesticides bearing Category V and Category VI labels may be applied by air only pursuant to the safeguards established in this PEPS.

C. IMPACT OF THE FIFRA REREGISTRATION PROCESS

On July 3, 1975, the Agency promulgated regulations governing the registration, reregistration and classification of pesticides pursuant to FIFRA section 3 (40 CFR Part 162). These regulations prescribe procedures and policies governing the Federal pesticide registration program, and are designed to implement the changes to that program which were mandated by Congress in the 1972 amendments.

As a part of the reregistration process, every pesticide product which may be legally applied by air will bear affirmative instructions for aerial application. The aerial application of a registered pesticide which has been through the reregistration process, but whose label bears no affirmative instructions for aerial application, shall be deemed to be a use of the pesticide in a manner inconsistent with its labeling and may subject the user to civil and criminal sanctions.⁷

IV. REGULATORY ROLE OF THE STATES

This PEPS in no way affects the authority of a State, acting pursuant to FIFRA section 24(a), to add further restrictions regarding the use of a Federally-registered product, or, in accordance with State law, to prohibit particular uses of Federally-registered pesticides within that State. The Agency anticipates that States may elect to exercise the powers set forth in section 24(a) in the two specific ways elaborated below. The election by a State to impose further restrictions upon the use within that State of a Federally-registered product will not affect the Agency's exercise of prosecutorial discretion under FIFRA. An applicator or other person who complies with the requirements set forth in Sections VI and VII of this PEPS to avoid liability under FIFRA, but who does not

and commonly recognized practice. Second, registration of a product provides EPA with the opportunity to review the proposed label and labeling of the product. To support registration, such labeling must clearly communicate the directions for use for the product and such warnings and precautions as are necessary for the safe and efficacious use of the pesticide. Third, registration of a product identifies the party accountable for its integrity of composition, labeling, and effects resulting from use. Fourth, registration of a product is the mechanism which assures that this relevant information is communicated to the ultimate user of the product.

⁷This PEPS is intended as a temporary adjunct to and not a replacement for the section 3 registration/reregistration process, or for the program authorized under FIFRA section 24(c) pursuant to which States may issue registrations for "special local needs." Upon the completion of the reregistration process, these statutory mechanisms will provide the only means of approving the aerial application of any pesticide.

comply with the additional requirements established by a State pursuant to FIFRA section 24(a), may be subject to liability under State law. All persons performing applications pursuant to the administrative mechanism set forth in this PEPS are encouraged to familiarize themselves with applicable State regulations.

A. ELECTION BY THE STATE TO DESIGNATE "KNOWLEDGEABLE EXPERTS"

Each State may elect to specifically designate competent individuals to be knowledgeable experts within that State by placing their names on a list of knowledgeable experts, or by some other means acceptable to the State. Each State may establish more stringent standards than those which are listed in Section VII(B) below. No person will be deemed to be a knowledgeable expert within the meaning of this PEPS unless he meets the minimum standards set forth in Section VII(B) below, regardless of having been designated as a knowledgeable expert by a State.

B. ELECTION BY THE STATE TO CONDUCT A PREAPPLICATION REVIEW OF THE RECOMMENDATION OF THE KNOWLEDGEABLE EXPERT

Each State may elect to review individually each recommendation made by a knowledgeable expert pursuant to this PEPS prior to the aerial pesticide application. States exercising this election will establish their own procedures for performing this pre-application review.

V. CATEGORIZATION OF LABELS BASED UPON PROVISIONS FOR APPLICATION METHOD

Whether a specific pesticide may be aerially applied depends upon the application instructions which appear on the EPA-accepted label. Common characteristics of pesticide label instructions facilitate the grouping of pesticide labels into six general categories:⁸

Category I.—Labels which bear explicit and adequate application instructions and other precautionary labeling for aerial application.⁹

Category II.—Labels which bear an explicit prohibition against the aerial application of the pesticide.¹⁰

Category III.—Labels which bear only affirmative instructions for ground applica-

⁸The application instructions which appear on each registered pesticide will conform to one of the six categories of label provisions set forth herein. A number of FIFRA provisions may be utilized to amend the registration of a product with respect to acceptable application method, thus removing that pesticide from one label category and placing it, for the purposes of this PEPS, in another label category. These statutory means of amending a registration to authorize the aerial application of such pesticides include the issuance of a State registration under FIFRA section 24(c), or amending the existing registration under FIFRA Section 3.

⁹For example, a label may provide: "For aerial application to brush along utility right-of-ways apply ½ to 1 gallon (product) in 12 to 15 gallons of water per acre using the appropriate type of boom or other low-drift equipment."

¹⁰For example, a label may provide: "Do not apply by air."

tion, and which bear other dilution or dosage rate instructions and accompanying precautionary statements which are inconsistent with aerial application as a matter of pest control practice and application technology.¹¹

Category IV.—Labels which bear no affirmative ground or aerial application instructions, but which bear dilution or dosage rate instructions and precautionary statements which are inconsistent with aerial application as a matter of pest control practice and application technology.¹²

Category V.—Labels which bear only affirmative instructions for ground application, but which bear dilution or dosage rate instructions and other precautionary statements which are consistent with aerial application as a matter of pest control practice and application technology.¹³

Category VI.—Labels which bear no affirmative ground or aerial application instructions, but which bear other dilution or dosage rate instructions and other precautionary statements which are consistent with aerial application as a matter of pest control practice and application technology.¹⁴

VI. SUMMARY OF ENFORCEMENT POLICY REGARDING THE AERIAL APPLICATION OF EACH LABEL CATEGORY OF REGISTERED PESTICIDES

A. ENFORCEMENT POLICY REGARDING CATEGORY I LABELS

Products bearing the labeling described in Category I above may be legally applied by air when such application is performed in accordance with all aerial application instructions.

B. ENFORCEMENT POLICY REGARDING CATEGORY II LABELS

Products bearing the labeling described in Category II above may not be legally applied by air under any circumstances.

C. ENFORCEMENT POLICY REGARDING CATEGORY III AND CATEGORY IV LABELS

Products bearing the labeling described in Category III or Category IV above may not be legally applied by air except if such aerial application is authorized under a State registration issued pursuant to FIFRA section 24(c), or some other statutory mechanism.

D. ENFORCEMENT POLICY REGARDING CATEGORY V AND CATEGORY VI LABELS

In the exercise of its prosecutorial discretion, the Agency will not initiate enforcement action a person who aerially applies a registered pesticide which bears Category V or Category VI labeling where all of the following conditions are met:

1. The selected pesticide is registered for use at the type of site or application environment and on the commodity, crop, or area which is to be treated.
2. The use is recommended in writing by an individual who is a knowledgeable

expert in the appropriate area of agricultural or other outdoor pest control;

3. The recommendation of the knowledgeable expert is submitted to the State Control Agency;

4. The user complies with all instructions, warnings, precautions, and prohibitions on the label and labeling of the product which is used, other than those pertaining to the application method, and except as provided in other published PEPS;

5. The pesticide is efficacious, or may reasonably be expected to be efficacious, when aerially applied.

VII. ELABORATION OF ENFORCEMENT POLICY REGARDING CATEGORY V AND CATEGORY VI LABELS

The limiting and defining provisions contained in the paragraphs which follow are an elaboration of the enforcement policy with regard to Category V and Category VI labels and of the conditions 1 through 5 above. They constitute an integral part of this PEPS. Whether the user has reasonably met the criteria set forth in this PEPS with regard to Category V and Category VI labels will be determined by the Agency on a case-by-case basis. The burden of showing that the criteria set forth herein have been met rests with the person who aerially applies a registered pesticide whose label bears a Category V or Category VI label.

A. USE AT THE SPECIFIC TYPE OF SITE OR APPLICATION ENVIRONMENT AND ON THE COMMODITY, CROP, OR AREA WHICH IS TO BE TREATED

The policy set forth in this PEPS applies to the aerial application of registered pesticides bearing Category V and Category VI labels when the application is made at the specific type of use site or application environment and, as applicable, on a commodity, crop, or area which appears on the label of the product used.¹⁵ For example, this PEPS in no way authorizes the agricultural or other outdoor application of a pesticide which is registered solely for use in structural pest control.

This policy applies to the use of registered pesticides in agricultural applications for the production of agricultural crops,¹⁶ in forest pest control,¹⁷ in orna-

¹¹An evaluation of the behavior of pesticide residues on the commodity or crop to which a pesticide is applied is an integral part of the registration of any pesticide. The aerial application of a pesticide for which no data regarding aerial application have been submitted to and analyzed by EPA may result in illegal residues. Strict conformity with all other conditions of this PEPS will not prevent the quarantine or seizure of the commodity or crop if illegal residues are discovered thereon.

¹²Agricultural commodity and crop applications include, without limitation, tobacco, peanuts, cotton, soybeans and forage vegetables, small fruits, tree fruits and nuts, as well as grasslands and non-crop agricultural commodity applications.

¹³Forest pest control includes, without limitation, pesticide applications to forest, forest nurseries, and forest seed producing areas.

mental and turf pest control,¹⁸ in right-of-way pest control,¹⁹ and in public health and regulatory pest control.²⁰

B. RECOMMENDATION OF A KNOWLEDGEABLE EXPERT IN AGRICULTURAL OR OTHER OUTDOOR PEST CONTROL

1. *Meaning of the Term "Knowledgeable Expert"*—(a) *Qualifications of Knowledgeable Experts.* The Agency intends in this PEPS to allow the aerial application of registered pesticides bearing Category V or Category VI labels where such aerial application is safe and efficacious. Persons seeking to aerially apply pesticides bearing such labels must obtain the written recommendation of a knowledgeable expert within the meaning of this PEPS, an individual must have achieved one of the following combinations of qualifying experience and/or qualifying education:

Qualifying Experience and Qualifying Education

- 6 years with Less than Baccalaureate.
- 3 years with Baccalaureate.
- 2 years with Masters Degree.
- 1 year with Doctorate.

As used in this PEPS, the terms "qualifying experience" and "qualifying education" refer to practical pest control experience or formal academic training in the particular pest control area or academic discipline in which the recommendation is made, as a result of which the knowledgeable expert has become knowledgeable about the following elements of pest control practice:

- (i) *Pesticide:* the pesticide product (or active ingredient) to be used;
- (ii) *Use Site and Pest Control Environment:* the commodity, crop or area to be treated, and the climatic, seasonal, geographic, and ecological characteristics of the local;
- (iii) *Pest:* the class and nature of the pest to be controlled, and
- (iv) *Application Method:* the method of preparing and applying the pesticide selected for use, and the risks which may attend the aerial application of the pesticide.

(b) *Examples of Knowledgeable Experts.* Qualified persons employed by such organizations as State Cooperative Extension Services, State land grant colleges, Federal, State, or by private institutions and scientists employed by companies owning or managing farms or other application sites may also be knowledgeable experts. Additionally, scientists and other persons employed by a manufacturer, distributor, formulator, or

¹⁸Ornamental and turf pest control includes, without limitation, application on ornamental trees, shrubs, flowers, and turf.

¹⁹Right-of-way pest control includes, without limitation, applications on roads, electric powerlines, pipelines, and railway right-of-ways.

²⁰Public health and regulatory pest control includes, without limitation, pest control activities engaged in by State, Federal or other governmental employees using or supervising the use of pesticides in public health programs for the management and control of pests having medical and public health importance, or in the control of other regulated pests.

user, including the user himself, will be deemed to be knowledgeable experts within the meaning of this PEPS if such persons are responsible for making technical judgments regarding the development and use of particular pesticides products (or active ingredients) or regarding particular pest control practices, including application technology.

(c) *Limitations.* Notwithstanding the above, no person whose principal function or significant source of personal income (e.g., sales commission) is directly derived from promoting the sale or distribution of the pesticide product (or active ingredient) which is recommended for use may provide the recommendation required of a knowledgeable expert under this PEPS. Under no circumstances may any sales representative, marketing employee, or advertising agency of any manufacturer, distributor or formulator, or any other person who has a significant personal economic interest in promoting the sale or distribution of a product provide the recommendation required of a knowledgeable expert.²¹

2. *Contents of the Recommendation of the Knowledgeable Expert.* Each recommendation made by a knowledgeable expert for the aerial application of pesticides bearing Category V or Category VI labels shall be made in writing and shall be signed and dated. The recommendation of the knowledgeable expert must specify the pesticide (or active ingredient) to be used,²² the geographic location (e.g., identified by county, terrain, topography, or ecological character) in which the aerial application will be allowed, the commodity, crop or area on which the aerial application is to be made, the pest to be controlled,

and the dates or duration for which the recommendation is applicable. The recommendation must also supply all appropriate instructions regarding dilution rate, mixing and loading method, aerial application equipment to be used and its calibration, airplane speed, wind velocity, pesticide drift, and environmental or ecological precautions.

The applicator or user must have obtained the written recommendation of the knowledgeable expert prior to the time of the application. He must make a copy of such recommendation available to an official representative of EPA upon request. Unless otherwise provided therein, the recommendation of a knowledgeable expert shall remain in effect for the growing season or application period in which the recommendation was made.

The recommendation of the knowledgeable expert will be valid only in the State in which the recommendation is given and in which the aerial application is to occur. A recommendation which has been properly executed pursuant to this PEPS may be relied upon by other pesticide applicators within the State, provided that all of the terms and conditions (e.g., pest, topography, application site) set forth in the recommendation are met by such other applicators. Persons seeking to learn whether a prior recommendation which meets their pest control needs has been issued should contact the State Control Agency of the State in which the application is to occur.

3. *Liability of the Knowledgeable Expert—(a) FIFRA Enforcement Liability.* The responsibility for the safe and efficacious aerial application of the pesticide and for full compliance with the terms of this PEPS may rest with either the applicator or the knowledgeable expert or both, as the equities and the circumstances may require. FIFRA enforcement liability for the misuse of pesticides falls primarily upon the pesticide user or applicator, and not upon the knowledgeable expert who has recommended such use. Particularly where the pesticide application involves a deviation from the uses which are allowed on the accepted label, any person who mixes, loads, applies, stores or disposes of any registered pesticide in a manner inconsistent with its labeling may be subject to civil or criminal sanctions under FIFRA.²³ The knowledgeable expert who both recommends and aerially applies a registered pesticide which bears a Category V or Category VI label is personally responsible for the proper use of the pesticide and for the safety and efficacy of the product. In addition, the expert who recom-

mends and personally supervises the aerial application of such a pesticide is himself considered to "use" the pesticide within the meaning of FIFRA section 12(a)(2)(G), and is, thus, subject to FIFRA enforcement liability for any misuse of the pesticide which occurs under his supervision.²⁴

(b) *Civil Liability.* It is not the intention of the Office of Enforcement that this PEPS should in any way affect the civil liability in damages of a knowledgeable expert. This PEPS does not increase the risk of liability beyond that which is inherent in the ordinary execution of one's duties in offering pest control advice to users, or in supervising pesticide applications. Nor does this PEPS exempt a knowledgeable expert from possible civil liability for damages arising out of his own negligence. Any knowledgeable expert may be liable pursuant to relevant State law for damages which result from a recommendation which he makes.

C. NOTIFICATION OF THE STATE CONTROL AGENCY

1. *Meaning of the Term "State Control Agency".* As used in this PEPS the term "State Control Agency" refers to that agency which has been designated within each State to regulate the use of pesticides in agricultural, forest, ornamental, turf, right-of-way, or regulatory pest control, respectively. In most cases the State Control Agency will be the State agency which has been designated by the Governor to be the State Lead Agency pursuant to the provisions of FIFRA section 4, and the State Plan submitted pursuant to 40 Part 171. Where the State Lead Agency is not the State Control Agency within the meaning of this PEPS, the State Lead Agency (or the State's Department of Agriculture) will be able to direct interested individuals to the appropriate State Control Agency.

2. *Notification of the State Control Agency.* Except as otherwise provided by States electing to review each recommendation of its knowledgeable experts, each recommendation which is made by a knowledgeable expert pursuant to this PEPS must be forwarded by the knowledgeable expert to the State Control Agency of the State in which the application is to occur prior to the time of the application. The State Control Agency for each State may adopt its own procedures and policies for this process, subject to the requirements regarding the contents of the recommendation set forth in Section VII.B. of this PEPS. This requirement to notify the State Control Agency will (a) inform the State Control Agency of pest control activities being performed within the State, (b)

²¹ This prohibition is consistent with the provisions of FIFRA section 12(a)(1)(B), which make it unlawful for any person in any State to distribute, sell, offer for sale, hold for sale, ship, deliver for shipment, or receive and (having so received) deliver or offer to deliver, to any person any registered pesticide if any claims made for it as a part of its distribution or sale substantially differ from any claims made for it as a part of the statement required in connection with its registration under section 3. (Emphasis added; 7 U.S.C. 136j (a)(1)(B).)

It is noted, however, that persons who supply and apply pesticides for hire are deemed by the Agency to hold pesticides "for distribution or sale" within the meaning of FIFRA. Such professional applicators may be deemed to be knowledgeable experts within the meaning of this PEPS if they meet the standards of qualifying experience and/or qualifying education set forth in this PEPS.

²² The recommendation of the knowledgeable expert must refer to either (a) the particular pesticide product which is to be aerially applied (identified by proprietary name and by EPA Registrant Number), or (b) the percentage of active ingredient to which the recommendation applies. If the recommendation refers to a particular formulation of active ingredient, the proprietary product used must bear Category V or Category IV labeling and must contain that exact formulation.

²³ Where the recommendation of the knowledgeable expert does not refer to a proprietary pesticide product, but refers instead to a percent of active ingredient, it is the responsibility of the person who uses or applies the pesticide to select a proprietary product which (a) bears Category V or Category VI labeling, (b) contains the stipulated percent of active ingredient, and (c) is registered for use at the use site or in the application environment in which aerial application is to occur.

²⁴ Many State pesticide laws prohibit the recommendation of the use of a registered pesticide in a manner inconsistent with its accepted labeling. This PEPS in no way affects the liability under applicable State law of a knowledgeable expert who recommends the use of a pesticide in a manner inconsistent with its labeling.

provide an experimental basis for evaluating applications for State registrations issued pursuant to FIFRA section 24(c) in response to local pest control needs. The appropriate EPA Regional Office will receive recommendations of knowledgeable experts in those States which do not establish procedures to receive such recommendations.

The State Control Agency should maintain a record of the recommendation of the knowledgeable expert for two (2) years from the date of the recommendation. Each State shall adopt its own policies and procedures for informing pesticide users or applicators of the recommendations which have been made, so such other users may aerially apply Category V or Category VI pesticides for which a prior recommendation has been executed pursuant to this PEPS.

E. DIRECTIONS FOR USE AND OTHER PRECAUTIONARY LABELING

The aerial application of a registered pesticide which bears a Category V or Category VI label pursuant to the provisions of this PEPS neither modifies other label provisions or directions for use, nor authorizes the use of the pesticide in a manner inconsistent with any other label provisions, including, without limitation, other directions for use and precautionary labeling, or other warning statements. Under no circumstances does this PEPS permit any activity which is expressly prohibited on the label. Label provisions which must be complied with at all times regardless of the application method, include, without limitation, statements regarding product mixing, loading and preparation, target pests (except as provided in other published PEPS), application frequency or intervals, field reentry intervals, protective clothing or equipment requirements, product packaging and transportation requirements, and storage and disposal practices.

F. PRODUCT SAFETY EFFICACY

The aerial application of a product pursuant to the administrative mechanism established in this PEPS must be safe and efficacious, or must reasonably be expected to be safe and efficacious. An application or use will be considered to be safe and efficacious if it has beneficial effects when applied by air and achieves that level of pest control which is normally associated with the use of the pesticide, and does not cause harm to people or the environment.

VIII. PUBLIC COMMENT

The Administrative Procedure Act (5 U.S.C. § 553(b)) provides that the solicitation of comments is not required of Federal agencies for "interpretative rules, general statements of policy, rules of agency organization, procedures, or practice." EPA has determined that this PEPS falls within this exemption from the requirement to solicit public comment. Accordingly, the Agency is not soliciting public comment regarding matters published in this notice. However, interested persons are invited to submit

written comments regarding the policy set forth in this PEPS. These comments should be addressed to the Pesticides and Toxic Substances Enforcement Division (EN-342), Office of Enforcement, U.S. Environmental Protection Agency, 401 M Street SW., Room 3624, Washington, D.C. 20460. Three copies of these comments should be submitted to facilitate the work of the Agency and of others interested in inspecting such documents.

STANLEY W. LEGRO,
Assistant Administrator
for Enforcement.

APRIL 20, 1977.

[FR Doc.77-12002 Filed 4-26-77; 8:45 am]

ADMINISTRATOR—EMERGENCY NATURAL GAS ACT OF 1977

[Docket No. E77-18]

SUPPLEMENTAL EMERGENCY ORDER PURSUANT TO SECTION 6 OF PUB. L. 95-2

By order issued February 16, 1977, pursuant to section of the Emergency Natural Gas Act of 1977, Pub. L. 95-2 (191 Stat. 4 (1977)) Texaco Inc. (Texaco) and Transcontinental Gas Pipe Line Corporation (Transco) were authorized to transport gas for the City of Danville, Virginia, (Danville). Danville is purchasing this gas from Chapman Oil Company, et al. (Chapman), at the Luther Moore Cypress No. 1 well in St. John the Baptist Parish, Louisiana. Texaco was authorized to receive delivery of the Danville volumes at an existing connection with Texaco's intrastate line for transportation by displacement and redelivery to Transco for Danville's account at the tailgate of Texaco's Paradis Gas Processing Plant. The transportation agreement between Texaco and Danville which was authorized by the February 16 order provided that Texaco would transport the gas for a period of time extending through April 29, 1977 unless sooner terminated by either party.

Danville and Texaco have entered into an amended transportation agreement which provides for extension of the term of the prior agreement from April 29, 1977 until July 31, 1977 because of continued emergency conditions on the Danville distribution system. Therefore, the February 16 order authorizing transportation of gas by displacement by Texaco on behalf of Danville should be amended to continue such service for a period to end before August 1, 1977. Texaco is ordered to continue this transportation for Danville pursuant to section 6(c) of Pub. L. 95-2. Except for extending the period during which authorization is given for such transportation, this order shall not operate to modify, rescind or repeal any provision of the February 16 order in this matter.

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 Danville, Texaco and Transco. 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.

APRIL 20, 1977.

[FR Doc.77-12079 Filed 4-26-77; 8:45 am]

DEPARTMENT OF AGRICULTURE

Cooperative State Research Service

COMMITTEE OF NINE

Meeting

Pursuant to the Federal Advisory Committee Act, Pub. L. 92-463, notice is hereby given of a meeting of the Committee of Nine at 8:30 a.m., June 2-3, 1977, in Room 104-A, Administration Building, U.S. Department of Agriculture, Washington, D.C.

The purpose of the meeting is to evaluate and recommend proposals for cooperative research on problems that concern agriculture in two or more States, and to make recommendations for allocation of regional research funds appropriated by Congress under the Hatch Act for research at the State agricultural experiment stations. The meeting is open to the public and written statements can be filed with the Committee before or after the meeting.

The names of the members of the Committee, the agenda, minutes, and other information pertaining to the meeting may be obtained from the Recording Secretary, U.S. Department of Agriculture, Cooperative State Research Service, Washington, D.C. 20250, telephone 202-447-5260.

Dated: April 20, 1977.

T. S. RONNINGEN,
Acting Administrator.

[FR Doc.77-12101 Filed 4-26-77; 8:45 am]

Forest Service

DEER ISLAND UNIT MANAGEMENT PLAN Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the Deer Island Unit Management Plan, USDA-FS-R10-FES(ADM) 76-08.

The environmental statement concerns a land management plan for Deer Island located on the Tongass National Forest approximately 30 miles southeast of Wrangell, Alaska.

This final environmental statement was transmitted to CEQ on April 18, 1977.

Copies are available for inspection during regular working hours at the following locations:

UEDA, Forest Service, South Agriculture Building, Room 3230, 12th St. and Independence Ave., SW., Washington, D.C. 20250.

USDA, Forest Service, Alaska Region, Federal Office Building, Juneau, Alaska 99802.

Forest Supervisor, Chatham Area, Tongass National Forest, Federal Building, Sitka, Alaska 99835.

Forest Supervisor, Stikine Area, Tongass National Forest, Federal Building, Petersburg, Alaska 99833.

Forest Supervisor, Ketchikan Area, Tongass National Forest, Federal Building, Room 313, Ketchikan, Alaska 99901.

A limited number of single copies are available upon request to E. Allen Crozer, Forest Supervisor, Stikine Area, Tongass National Forest, P.O. Box 309, Petersburg, Alaska 99833.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

CARL W. SWANSON,
Environmental Coordinator,
Alaska Region.

APRIL 18, 1977.

[FR Doc.77-12043 Filed 4-26-77; 8:45 am]

AGRICULTURAL ADVISORY COMMITTEES FOR THE MULTILATERAL TRADE NEGOTIATIONS

Renewal

APRIL 22, 1977.

Notice is hereby given of the renewal, after consultation with the Special Representative for Trade Negotiations, of the following advisory committees: Agricultural Policy Advisory Committee for Trade Negotiations, and the eight separate Agricultural Technical Advisory Committees for Trade Negotiations on: Cotton, Dairy, Fruits and Vegetables, Grain and Feed, Livestock and Livestock Products, Oilseeds and Products, Poultry and Eggs, and Tobacco.

The purpose of these committees is to provide advice to the Secretary and the Special Representative for Trade Negotiations in respect to multilateral trade negotiations pursuant to section 135(c) of the Trade Act of 1974 (Pub. L. 93-618).

The renewal of such committees is in the public interest in connection with the duties of the Department imposed by the Trade Act of 1974.

J. PAUL BOLDCU,
Assistant Secretary for Administration,
Department of Agriculture.

[FR Doc.77-12100 Filed 4-26-77; 8:45 am]

CIVIL AERONAUTICS BOARD

[Order 77-4-97]

IATA

Agreements Relating to Baggage Allowances and Charges

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 20th day of April, 1977.

Agreements adopted by the Joint Traffic Conferences of the International Air Transport Association relating to baggage allowances and charges; Docket 29123, Agreement C.A.B. 25874, Agreement C.A.B. 26317, Agreement C.A.B.

26424, R-1 through R-9, Agreement C.A.B. 26506, R-1 through R-12, Agreement C.A.B. 26543.

Baggage allowance tariff rules in overseas and foreign air transportation; Docket 24869.

Agreements have been filed with the Civil Aeronautics Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA). The most significant agreement in terms of transportation to and from the United States was adopted at a conference of IATA member carriers held in Cannes in February 1977 and would establish, effective March 13, 1977, new free baggage allowances and excess-baggage charges in certain world areas. The agreement was filed with the Board on March 8, 1977.

The agreement establishing a free-baggage allowance and excess-baggage charges to/from the United States is a limited agreement binding only upon certain IATA carriers. It is limited to transportation between the United States, on the one hand, and Europe, Africa, and Asia over the Atlantic and Pacific routes and, on the other hand, excludes the countries of the United Kingdom, Spain, Poland, Czechoslovakia, Yugoslavia, Iran, Nigeria, the Republic of the Philippines and Pakistan. The agreement also excludes transportation between the United States and points in the Western Hemisphere.

The agreement would substitute a piece concept for the present weight limitation and provides each passenger a free-baggage entitlement, irrespective of weight, as follows:

First Class.—Two checked bags the total dimensions of which may not exceed 62 inches each (the sum of the three dimensions) plus one carry-on piece with a maximum dimension of 39 inches;¹

Economy Class.—Either one checked piece with a maximum dimension of 62 inches and one carry-on piece of 39 inches or, one piece with a dimension of 55 inches and one with a 39-inch dimension, plus one carry-on piece with a maximum dimension of 39 inches.

Excess-baggage charges, to be levied on a per-piece basis for baggage exceeding the maximum dimensions, and for pieces exceeding the maximum number allowed, would be established on a scale of flat dollar amounts varying according to destination or departure point. Over the Pacific, the charge would be \$55 from west-coast points to Tokyo; to the South-west Pacific area \$60-70; and to the Indian subcontinent, \$90. Over the Atlantic, for example, the amount of the charge would be \$30 from New York/Washington to Ireland, \$40-50 to Western Europe, \$65-75 to the Middle East, \$60-75 to Africa, and \$95 to the Far East.

¹ Baggage dimensions as used throughout this order refer to the sum in inches of the length, width and depth.

The agreement was reached after several protracted meetings of the IATA carriers prompted by the Board's decision in the *Baggage Allowance Tariff Rules In Overseas and Foreign Air Transportation Case*, Docket 24869 (*Baggage Case*). Orders 76-3-81 and 76-5-26 dated March 12 and May 10, 1976, respectively. That decision, among other things, found the present IATA resolutions establishing the free baggage allowance and charges for excess baggage to be unjust and unreasonable. Those rules provided for a free baggage allowance of 30 kilograms (66 pounds) for first-class passengers and 20 kilograms (44 pounds) for economy-class passengers, with excess charges levied at one percent of the one-way first-class fare per kilogram.²

In approaching our decision in this matter, we are guided by a fundamental concern for the well-being of the passenger. The simple fact, amply demonstrated by experience in U.S. domestic service, is that the aircraft flown by virtually all international carriers can carry baggage in amounts usually carried by most travellers without loss in performance or effect on other cargo. Size, not weight, is therefore the proper factor determining the value of baggage service. By requiring additional payment for baggage in excess of 20 kilograms the carriers have extracted from most passengers revenues for which the carriers have provided no service.

The current proposal, while a change from a weight to a piece concept, nevertheless preserves the effects of weight limitation, by severely restricting the size and number of baggage items which may be carried, and hence continues to reflect an unjustified charge to passengers.

The new provisions relating to the free baggage allowance for checked baggage for first-class passengers appear reasonable and will be approved. Two checked bags, with total dimensions of 62 inches each should, in our opinion, reasonably accommodate the vast majority of first-class passengers.

On the other hand, the proposed free baggage allowance for economy-class passengers raises several difficulties. First, it offers the choice of one of two options which would, in our opinion, cause considerable confusion to the passenger and administrative problems for the carriers as well. Even more significant, however, is the fact that the proposal may very well cause considerable additional cost and hardship to passengers than is presently the case, since it is extremely inflexible. For example, according to data presented in the formal investigation in the *Baggage Case*, the average passenger carries more than one bag. One option proposed in the agreement would limit that passenger to one bag with an overall dimension of 62

² The Board's disapproval of IATA Resolution 310, effective March 13, 1977, which established free baggage allowances, was stayed by Order 77-3-36 (March 7, 1977) until May 1, 1977 or such earlier date as the Board may direct.

inches. On the other hand, the other option, while permitting one bag at 55 inches and one at 39 inches, seems unduly restrictive in light of the fact that the latter is the equivalent of an attache case, generally not suitable for the carriage of personal belongings.

Under these circumstances we conclude that the agreement, as proposed, does not make a reasonable allowance for free checked baggage for economy-class passengers. We shall, therefore, condition our approval to provide an additional degree of flexibility for these passengers. Specifically, we will require that they be permitted to carry two free bags of dimensions which can reasonably be expected to be adequate for the majority of economy-class passengers; however, our condition would hold the maximum-dimension allowance for any one bag to the largest overall allowance proposed. In effect, economy-class passengers would be permitted to check two free bags the total dimension of which does not exceed 106 inches, provided that neither bag exceeds 62 inches.² Under these circumstances, the economy-class passenger would be permitted two free pieces of check baggage which should, as indicated, accommodate the vast majority of travelers.

Free carry-on baggage provisions for both first-class and economy passengers would provide for one 39-inch piece of luggage—equivalent to an attache case. In our opinion, this provision is unnecessarily restrictive, considering the space available under aircraft seats which, in most instances, can accommodate a large piece of luggage. Indeed, certain luggage significantly larger than an attache case has been designed specifically for under-seat carriage.

Although we recognize that different aircraft types have different under-seat space limitations, approval of a limitation on free carry-on luggage to 39 inches will patently have an adverse impact on the vast majority of passengers who have purchased and have used what has to be commonly known as an "underseat bag," the dimensions of which are approximately 45 inches. This bag is acknowledged by IATA as an "underseat-bag" (Attachment A of Resolution 303A), and we see no reason to preclude carry-on of such a bag. Accordingly, we will also condition our approval to provide that the free carry-on bag be limited to 45 inches (rather than 39 inches), unless actual underseat space facilities on the aircraft would not permit its accommodation.

We will approve that portion of the agreement which establishes new excess-baggage charges. The New York-London passenger carrying a piece of luggage, in

² Based on standard baggage sizes, the total of 106 inches would permit free carriage of both a 24- or 27-inch woman's Pullman case or a man's two-suit and three-suit.

addition to the free allowance, averaging 27 pounds would pay \$40. This charge is equivalent to one percent of the basic-season, economy fare, and 0.8 percent of the peak-season fare.⁴ While this is slightly in excess of the 0.7 percent found reasonable by the Board, it nevertheless reflects substantial improvement over the present IATA formula. Moreover, it must be noted that the Board has held the level of economy fares constant during the past several years notwithstanding a general rise in the carriers' costs. Our approval, however, is not without concern with the impact this excess charge may have. For example, passengers who do not pay an excess charge under the present system, or who have previously been required to pay only a nominal charge for a pound or two over-weight, would now be required under the new agreement to pay \$30 or more. This may represent real and undue hardship in many cases. On the other hand, the piece system as here conditioned has the advantage of enabling the passenger to tailor his baggage to a known free allowance, whereas this is not so readily done under a weight system. In any event, the extent to which this may prove true cannot be deter-

⁴ We will also approve various other agreements concerning baggage provisions not directly involving air transportation as defined by the Act.

mined in advance, and we must presume that the carriers have carefully considered these matters during the extended time taken to reach this agreement. We intend to monitor this aspect of the agreement through evaluation of consumer complaints, the trend in the carriers' reported revenue from excess-baggage charges, and other available information. On this basis, we will limit our approval of the proposed excess-baggage charges to six months.

Finally, this agreement represents a major change in the carriers' longstanding treatment of both free baggage allowances and charges imposed for baggage in excess of that allowance. For this reason, we expect the carriers to undertake programs to provide full information of the changes as promptly as possible, and have instructed the Board's Office of the Consumer Advocate to take all necessary steps to insure that this is accomplished. Since this educational process will necessarily take some time if it is to be done effectively, tariffs implementing our approval of the agreement, as conditioned, shall be filed for effect June 1, 1977 to ensure adequate advance notice to the public.

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, set forth in the agreements indicated, are adverse to the public interest or in violation of the Act:

Agreement CAB	IATA No.	Title	Application
2042d			
R-1	001n	Special Baggage Escape (New)	1; 2; 3
R-9	311m	Special Condition for Excess Baggage (New)	1; 3; 1/2; 3/1
2050e			
R-1	LA6	JT12 Limited Agreement U.S.A.—Traffic Conference 2 (New)	1/2
R-2	LA7	JT123 Limited Agreement U.S.A.—Traffic Conference 3 (New)	1/2; 3
R-3	LA8	JT31 Limited Agreement U.S.A.—Traffic Conference 3 (New)	3/1
R-4	001ss	Special Baggage Escape (New)	3; 1/2; 3/1; 1/2; 3; 1/2; 3
R-5	304	Carriage of Baggage at Cargo Rates to/from U.S.A. and U.S. Territories (New)	3; 1/2; 3/1; 1/2; 3
R-6	308	Application of Baggage Rules to/from U.S.A. and U.S. Territories (New)	3; 1/2; 3/1; 1/2; 3
R-8	310c	Rates to/from U.S.A. and U.S. Territories (New)	3; 1/2; 3/1; 1/2; 3
R-10	311b	Charges for Snowsking Equipment to/from U.S.A. and U.S. Territories (New)	3; 1/2; 3/1; 1/2; 3
R-11	311d	Charges for Golfing Equipment to/from U.S.A. and U.S. Territories (New)	3; 1/2; 3/1; 1/2; 3
R-12	311e	Charges for Golfing Equipment to/from U.S.A. and U.S. Territories (New)	3; 1/2; 3/1; 1/2; 3

2. 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 to the conditions stated herein:

Agreement CAB	IATA No.	Title	Application
2050e			
R-7	310	Free Baggage Allowance to/from U.S.A. and U.S. Territories (New). Subject to the condition that the economy class passenger will be entitled to 2 free checked pieces of baggage, the total dimensions of which do not exceed 106 in, provided that neither bag exceeds 62 in. Provided further that the free carry-on bag would be limited to 45 in except where actual underseat space facilities require a bag of lesser size.	3; 1/2; 3/1; 1/2; 3
R-9	311	Excess Baggage Charges to/from U.S.A. and U.S. Territories (New). Subject to the condition that approval is limited through Nov. 30, 1977.	3; 1/2; 3/1; 1/2; 3

3. It is not found that the following resolutions set forth in the agreements indicated, and which have indirect application in air transportation as defined by the Act, are adverse to the public interest or in violation of the Act:

Agreement CAB	IATA No.	Title	Application
25874	311	Special Baggage Resolution (New)	3; 2/3.
26317	311c	Special Baggage Resolution (Revalidating)	3; 2/3.
26424	002a	Standard Revalidation Resolution	3; 2/3.
R-3	002b	do	2.
R-4	002c	do	1/2; 1/2/3 (South Atlantic).
R-5	002d	Standard Revalidation/Redemption Resolution	1/2; 1/2/3 (North and Middle Atlantic).
R-6	002e	do	3/1; North and Central South Pacific.
R-7	002f	do	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 CAB	IATA No.	Title	Application
26424: R-2...	001p	Special Baggage Escape—Canada (New)	1; 1/2; 3/1.
26543	001p	Special Baggage Escape—Canada (Amending)	1; 1/2; 3/1.

Accordingly, *It is ordered*, That:

1. Those portions of Agreements C.A.B. 25874, C.A.B. 26317, C.A.B. 26424 and C.A.B. 26506, set forth in finding paragraph 1 and 3 above, be and hereby are approved;

2. Those portions of Agreement C.A.B. 26506 set forth in finding paragraph 2 above be and hereby are approved subject to the conditions stated therein;

3. Jurisdiction be and hereby is disclaimed with respect to that portion of Agreements C.A.B. 26424 and C.A.B. 26543 set forth in finding paragraph 4 above;

4. Tariffs implementing Agreements C.A.B. 26424 and 26506 with the exception of C.A.B. 26506, R-9, shall be marked to expire March 31, 1978. Tariffs implementing C.A.B. 26506, R-9, shall be marked to expire with November 30, 1977.

5. The carriers are hereby authorized to file tariffs implementing the approved IATA resolutions on not less than 10 days' notice for effectiveness not earlier than June 1, 1977. The authority granted in this paragraph expires June 15, 1977;

6. The stay provided in Order 77-3-36 dated March 7, 1977, be and hereby is extended through May 31, 1977; and

7. Except to the extent not otherwise granted the motions of Pan American Airways, Inc. and Trans World Airlines, Inc. in Docket 24869, be and hereby are dismissed.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-11996 Filed 4-26-77; 8:45 am]

[Docket 30770; Order 77-4-104]

CONTINENTAL AIR LINES, INC.

Increased C.O.D. Minimum Charge; Order of Suspension and Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 21st day of April, 1977.

By tariff revisions¹ bearing a posting date of March 25, and marked to become effective May 9, 1977, Continental Air Lines, Inc. (Continental) proposes to increase the minimum charge for C.O.D. service from \$1 to \$2 per shipment. The carrier's rate of 50 cents per \$100 of C.O.D. collected is to remain unchanged.

Continental asserts that its current C.O.D. rule provides for the carrier to accept the consignee's check for the amount of the C.O.D. when the consignee so authorizes; that the carrier's procedure is to remit the check to the shipper by certified mail; and that the increase is justified by the current certified mail cost of 98 cents.

In view of all relevant factors, the Board concludes that the proposed charge may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and should be investigated. The Board further concludes that the proposal should be suspended pending investigation.

Continental's justification is limited to a single paragraph claiming that the cost of certified mail requires an increase in C.O.D. minimum charges. The carrier makes no attempt to show that remittance by certified mail is necessary, nor does it submit any data indicating the revenue effect of the proposal, the number of minimum C.O.D. charge shipments, the number of such shipments when Continental remits the C.O.D. by mail, man-hours per C.O.D. shipment, overhead, or any other cost-causative factors.

C.O.D. service is extensively used by many shippers. The Board therefore, believes that the instant proposal, amounting to an increase of 100 percent, and with the potential of spreading to the entire industry, should not be permitted without full cost justification. The Board has previously suspended numerous increased C.O.D. charges on the basis of inadequate justification, filing that such

¹ Revisions to Airline Tariff Publishing Company, Agent, Tariff C.A.B. No. 96.

increases should not be permitted without detailed information on costs of service.² We believe the same considerations apply in this case.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof,

It is ordered, that:

1. An investigation is instituted to determine whether the provision reading "(Not applicable to CO)" and the charges and provisions "(Applicable to CO only)" in Rule No. 66(G) (1) on 30th Revised Page 36-A of Airline Tariff Publishing Company, Agent, tariff C.A.B. No. 96, and rules, regulations, and practices affecting such provisions, are or will be unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful provisions, and rules, regulations or practices affecting such provisions;

2. Pending hearing and decision by the Board, the provision reading "(Not applicable to CO)" and the charges and provisions "(Applicable to CO only)" in Rule No. 66(G) (1) on 30th Revised Page 36-A of Airline Tariff Publishing Company, Agent, tariff C.A.B. No. 96, are suspended and their use deferred to and including August 8, 1977, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The proceeding herein designated Docket 30770 be assigned before an administrative law judge of the Board at a time and place hereafter to be determined; and

4. Copies of this order shall be filed with the tariffs and served upon Continental Air Lines, Inc., which is hereby made a party to Docket 30770.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-12089 Filed 4-26-77; 8:45 am]

[Docket 27573; Agreement C.A.B. 26559; Order 77-4-96]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order

Issued under delegated authority April 20, 1977.

Agreement adopted by the Joint Traffic Conferences of the International Air Transport Association relating to specific commodity rates.

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

² E.g., Orders 76-7-120, 76-12-104, and 75-11-43.

embodied in the resolutions of the Joint Traffic Conferences of the International Air Transport Association (IATA). The agreement was adopted at the 23rd Joint Specific Commodity Rates Board.

The agreement names one additional specific commodity rate under an existing specific commodity description and adds one new rate with a new specific commodity description, reflecting reductions from general cargo rates as set forth below.

Specific commodity Item No.:	Description and rate ¹
1102-----	Fur plates made from sewn scraps 115 c/kg ² , minimum weight 1,000 kg. from Athens to New York.
7124-----	Instruction manuals and catalogues — excluding magnetic tapes ³ , 87 c/kg ² , minimum weight 1,000 kg. from New York to Copenhagen.

¹ Subject to applicable currency conversion factors as shown in tariffs.

² Expires Sept. 30, 1977.

³ New Description.

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. 26559, 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 minimum weights at the applicable general commodity rate level.

Persons entitled to petition the Board for review of this order, pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board unless within such period a petition for review is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

By James L. Deegan, Chief, Passenger and Cargo Rates Division, Bureau of Economics.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-12088 Filed 4-26-77;8:45 am]

[Docket 20123; Agreement C.A.B. 26516, Agreement C.A.B. 26535; Order 77-4-110]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 22nd day of April, 1977.

Agreements adopted by the Joint Traffic Conferences of the International Air Transport Association relating to passenger fare matters.

Agreements have been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of the Joint Traffic Conferences of the International Air Transport Association (IATA). The agreements, adopted by mail vote, have been assigned the above C.A.B. agreement numbers.

Insofar as air transportation as defined by the Act is concerned, Agreement C.A.B. 26516 would extend basic-season 10/28-day group inclusive-tour (GIT) fares presently available from Puerto Rico to Europe into the peak season at levels consistent with higher peak-season fares. Agreement C.A.B. 26535 would extend existing Board-approved South Pacific fares through September 1977 but would adopt many of the rule changes set forth in the most recent area proposal.¹

The Board has determined to approve the agreements. The rule changes herein deal mostly with minor adjustments in excursion-fare minimum/maximum stay periods and inclusive-tour minimum package prices and tour conductor arrangements which are areas which the Board generally leaves largely to managerial discretion.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find the following resolutions, incorporated in the agreements as indicated, to be 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:

Agreement C.A.B.:	IATA Resolution
26516 -----	JT12 (Mall 113) 084y.
26535 -----	JT31 (Mall 112) 0021.

Accordingly, it is ordered, That:

Agreements C.A.B. 26516 and 26535 be and hereby are approved, subject, where applicable, to conditions previously approved by the Board.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-12091 Filed 4-26-77;8:45 am]

¹ By Order 77-2-32, February 4, 1977, the Board disapproved increases in all South Pacific fares based upon the excess earnings position of Pan American.

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

MANAGEMENT-LABOR TEXTILE ADVISORY COMMITTEE

Public Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. V, 1975), notice is hereby given that a meeting of the Management-Labor Textile Advisory Committee will be held on May 17, 1977 at 1:30 p.m. in Room 3817, Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

The Committee, which is comprised of 35 members, was established by the Secretary of Commerce on April 23, 1962 to advise U.S. Government officials on problems and conditions in the textile and apparel industry and furnish information on world trade in textiles and apparel.

The agenda for the meeting will be as follows:

1. Review of import trends.
2. Implementation of textile agreements.
3. Report on conditions in the domestic market.
4. Other business.

A limited number of seats will be available to the public on a first-come basis. The public may file written statements with the Committee before or after each meeting. Oral statements may be presented at the end of the meeting to the extent time is available.

Copies of the minutes of the meeting will be made available on written request addressed to the DIBA Freedom of Information Officer, Freedom of Information Control Desk, Room 3012, U.S. Department of Commerce, Washington, D.C. 20230.

Further information concerning the Committee may be obtained from Arthur Garel, Director, Office of Textiles, U.S. Department of Commerce, Washington, D.C. 20230, telephone 202-377-5078.

Dated: April 22, 1977.

ROBERT E. SHEPHERD,
Acting Deputy Assistant Secretary for Resources and Trade Assistance.

[FR Doc.77-12143 Filed 4-26-77;8:45 am]

National Technical Information Service GOVERNMENT-OWNED INVENTIONS Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for domestic and possibly foreign licensing in accordance with the licensing policies of the agency-sponsors.

Copies of the patents cited are available from the Commissioner of Patents and Trademarks, Washington, D.C. 20231, for \$50 each. Requests for copies of patents must include the patent number.

Copies of the patent applications can be purchased from the National Technical Information Service (NTIS), Springfield, Virginia 22161 for \$3.50 (\$7 outside

North American Continent). Requests for copies of patent applications must include the PAT-APPL number. Claims are deleted from patent application copies sold to the public to avoid premature disclosure in the event of an interference before the Patent and Trademark Office. Claims and other technical data will usually be made available to serious prospective licensees by the agency which filed the case.

Requests for licensing information on a particular invention should be directed to the address cited for the agency-sponsor.

DOUGLAS J. CAMPION,
Patent Program Coordinator,
National Technical Informa-
tion Service.

U.S. DEPARTMENT OF THE ARMY, Office of Judge Advocate General, Patent Division, Room 2C-455, Pentagon, Washington, D.C. 20310

Patent 3,760,219: Traveling Wave Device Providing Prebunched Transverse Wave Beam; filed April 25, 1972, patented September 18, 1973, not available NTIS.

Patent 3,760,223: Single Conductor Multi-Coil Multi-Beam Microwave Device; filed August 10, 1972, patented September 18, 1973, not available NTIS.

Patent 3,760,256: Synchronous DC Power Supply; filed July 31, 1972, patented September 18, 1973, not available NTIS.

Patent 3,760,262: Electrostatic Spark Ignition Sensitivity Test Apparatus and Method; filed February 28, 1972, patented September 18, 1973, not available NTIS.

Patent 3,760,398: Device for Detecting Flame Out in a Gas Turbine; filed July 7, 1971, patented September 18, 1973, not available NTIS.

Patent 3,760,418: N-Element Gint Simulator; filed April 17, 1972, patented September 18, 1973, not available NTIS.

Patent 3,760,630: Automated Selective Wash Method and Apparatus; filed April 26, 1972, patented September 25, 1973, not available NTIS.

Patent 3,761,924: Isolimiter; filed September 14, 1972, patented September 25, 1973, not available NTIS.

Patent 3,761,938: Ferrite Dipole Antenna Radiator; filed November 30, 1972, patented September 25, 1973, not available NTIS.

Patent 3,763,167: Process of Purifying Orpavins; filed June 24, 1970, patented October 2, 1973, not available NTIS.

Patent 3,763,295: Use of Alumina as a Sintering Aid in Manufacture of Hot Pressed Beryllia; filed April 5, 1971, patented October 2, 1973, not available NTIS.

Patent 3,763,465: Bearing Deviation Indicator; filed March 9, 1971, patented October 2, 1973, not available NTIS.

Patent 3,765,224: Instrument for Measurement of Fluid Density or Composite Fluid Mixing Ratio; filed June 22, 1972, patented October 16, 1973, not available NTIS.

Patent 3,765,299: Universal Applique Armor; filed September 6, 1968, patented October 16, 1973, not available NTIS.

Patent 3,766,733: Extended Duration Fluidic Time Delay Device; filed January 18, 1972, patented October 23, 1973, not available NTIS.

Patent 3,766,844: Protective System for Contaminated Atmosphere; filed December 21, 1971, patented October 23, 1973, not available NTIS.

Patent 3,711,324: Method of Forming a Diffusion Mask Barrier on a Silicon Substrate; filed March 16, 1971, patented January 16, 1973, not available NTIS.

Patent 3,712,231: Blast Shield for Explosive Devices Including Linear Shaped Charges; filed January 18, 1971, patented January 23, 1973, not available NTIS.

Patent 3,714,143: Continuous Process for Manufacture of Nitrocellulose; filed April 13, 1971, patented January 30, 1973, not available NTIS.

Patent 3,714,824: Apparatus for Measuring Skin Friction; filed December 21, 1970, patented February 6, 1973, not available NTIS.

Patent 3,715,664: Method of Repeating RF-Borne Signal Across an Earth Barrier; filed February 12, 1971, patented February 6, 1973, not available NTIS.

Patent 3,715,681: Frequency Discriminator with Variable Center Frequency; filed March 13, 1972, patented February 6, 1973, not available NTIS.

Patent 3,716,278: Liquid Bearing; filed March 25, 1971, patented February 13, 1973, not available NTIS.

Patent 3,716,461: Process for Forming Composite Material by Electrodeposition Under the Influence of a Centrifugal Force Field; filed May 13, 1969, patented February 13, 1973, not available NTIS.

Patent 3,717,506: High Voltage Deposited Fuel Cell; filed January 28, 1971, patented February 20, 1973, not available NTIS.

Patent 3,718,044: Flow Meter for Indirectly Measuring the Flow of Blood from a Blood Pump; filed December 7, 1971, patented February 27, 1973, not available NTIS.

Patent 3,718,441: Method for Forming Metal-Filled Ceramics of Near Theoretical Density; filed November 18, 1970, patented February 27, 1973, not available NTIS.

Patent 3,718,503: Method of Forming a Diffusion Mask Barrier on a Silicon Substrate; filed July 14, 1971, patented February 27, 1973, not available NTIS.

Patent 3,718,507: Bi-Cell Unit for Fuel Cell; filed March 24, 1971, patented February 27, 1973, not available NTIS.

Patent 3,718,820: Photon Radiation Detector; filed May 25, 1971, patented February 27, 1973, not available NTIS.

Patent 3,718,860: Real Time Digital Energy Meter; filed August 25, 1971, patented February 27, 1973, not available NTIS.

Patent 3,771,504: Fluidic Fuel Injection Device Having Air Modulation; filed May 15, 1972, patented November 13, 1973, not available NTIS.

Patent 3,780,759: Reusable Pressure Release Valve; filed April 10, 1972, patented December 25, 1973, not available NTIS.

Patent 3,792,139: Process for Flattening Alumina Substrates; filed August 9, 1972, patented February 12, 1974, not available NTIS.

Patent 3,804,892: Memory Packaging Design and Fabrication Technique; filed June 26, 1972, patented April 16, 1974, not available NTIS.

Patent 3,767,476: Method and Composition for Phosphatizing Steel Under Pressure; filed August 31, 1971, patented October 23, 1973, not available NTIS.

Patent 3,767,480: Titanium Beta S-Alloy; filed October 27, 1971, patented October 23, 1973, not available NTIS.

Patent 3,768,048: Super Lightweight Microwave Circuits; filed December 22, 1971, patented October 23, 1973, not available NTIS.

Patent 3,769,873: Process for Uniformly Depositing Resin in Combustible Cartridge Cases; filed January 25, 1972, patented November 6, 1973, not available NTIS.

Patent 3,770,526: Combustion Composition Containing a Ferrocenyl or Carboranyl Derivative; filed November 26, 1971, patented November 6, 1973, not available NTIS.

Patent 3,770,563: Water-Resistant Consumable Cartridge Case; filed January 26, 1971, patented November 6, 1973, not available NTIS.

Patent 3,770,721: Direct Production of beta HMX; filed February 9, 1956, patented November 6, 1973, not available NTIS.

Patent 3,771,377: Vee-Belt Spring-O-Matic Power Transmission; filed September 21, 1971, patented November 13, 1973, not available NTIS.

Patent 3,771,452: Reinforcing Movable Head for Protection Against Ruptured Cartridge Cases; filed April 7, 1972, patented November 13, 1973, not available NTIS.

Patent 3,771,453: Ammunition Primer; filed June 28, 1972, patented November 13, 1973, not available NTIS.

Patent 3,771,454: Primer; filed September 28, 1972, patented November 13, 1973, not available NTIS.

Patent 3,771,706: Apparatus for Welding by Translational Friction; filed September 7, 1971, patented November 13, 1973, not available NTIS.

Patent 3,772,541: Fluidic Generator; filed July 17, 1963, patented November 13, 1973, not available NTIS.

Patent 3,772,584: Homodyne Multiplier; filed September 14, 1972, patented November 13, 1973, not available NTIS.

- Patent 3,772,608: Charged-Particle Triggered Discharge for a Laser; filed September 27, 1971; patented November 13, 1973; not available NTIS.
- Patent 3,772,609: Laser Cavity Configuration Yielding Dual Output Beam; filed June 30, 1972; patented November 13, 1973; not available NTIS.
- Patent 3,772,689: Radar Target Discrimination Method and Apparatus; filed December 6, 1967; patented November 13, 1973; not available NTIS.
- Patent 3,773,575: Method of Burning a Combustible Substance by Contact with Combustion Composition; filed February 23, 1973; patented November 20, 1973; not available NTIS.
- Patent 3,775,706: Metal Inclosed Resistor Used as a Stripline Terminator; filed April 20, 1972; patented November 27, 1973; not available NTIS.
- Patent 3,776,188: Ganged Arming Device; filed January 7, 1972; patented December 4, 1973; not available NTIS.
- Patent 3,780,438: Rifling Lands Inspection Gage; filed August 20, 1971; patented December 25, 1973; not available NTIS.
- Patent 3,780,578: Measurement of the Total Volume Flow of a Watercourse; filed May 2, 1973; patented December 25, 1973; not available NTIS.
- Patent 3,780,585: Cryogen Temperature Indicator; filed January 12, 1972; patented December 25, 1973; not available NTIS.
- Patent 3,781,055: Releaseable Coupling; filed July 14, 1972; patented December 25, 1973; not available NTIS.
- Patent 3,781,252: Polymers Containing a Difluoroamino Radical; filed June 15, 1971; patented December 25, 1973; not available NTIS.
- Patent 3,783,173: Gasket-Electrically Conductive; filed May 19, 1972; patented January 1, 1974; not available NTIS.
- Patent 3,786,444: Magnetic Thin Film Memory Packaging Design; filed August 27, 1971; patented January 15, 1974; not available NTIS.
- Patent 3,794,931: Electronic Gain Control; filed October 10, 1972; patented February 26, 1974; not available NTIS.
- Patent 3,798,762: Circuit Board Processing; filed August 14, 1972; patented March 26, 1974; not available NTIS.
- Patent 3,800,972: Trapped Atmosphere Closure Assembly; filed November 23, 1971; patented April 2, 1974; not available NTIS.
- Patent 3,805,137: Sampled Signal Servo Control System; filed November 21, 1972; patented April 16, 1974; not available NTIS.
- Patent 3,767,745: Hot Pressing Ceramic Oxides to Transparency by Heating in Isothermal Increments; filed February 7, 1972; patented October 23, 1973; not available NTIS.

[FR Doc.77-12083 Filed 4-26-77;8:45 am]

Office of the Secretary

WATCHES AND WATCH MOVEMENTS

New Entrant Announcement for Virgin Islands

On December 28, 1976, the Departments of Commerce and the Interior published a joint notice under Pub. L. 89-805 setting forth the formula for allocation of 1977 watch quotas among producers located in the Virgin Islands, Guam, and American Samoa (41 FR 56378 et seq; hereafter annual rules). On April --, 1977, the Departments issued a joint notice which will be published in the FEDERAL REGISTER allocating watch

quotas for calendar year 1977 among producers located in the Virgin Islands. In the latter notice it was noted that the allocations reflected voluntarily relinquished quota which was set aside by the Departments for possible allocation to new entrants pursuant to section 2 of the annual rules, and that a separate notice on the new-entrant set-aside would be published.

The International Trade Commission has reported that U.S. domestic consumption of watches and watch movements during calendar year 1976, upon which the amount of quota available for allocation to producers in the various insular possessions is proportionately fixed by the Act, increased over 1975 consumption at a rate substantially higher than historical rates of increase. Consequently, the amount of quota available for allocation to Virgin Islands producers is approximately one million units larger than the amount estimated earlier.

As a result of the significant increase in the amount of quota available for allocation in 1977 the Departments have determined that setting aside a portion of voluntarily relinquished quota for possible allocation to new firms offers the best prospect of maximizing benefits to the Virgin Islands economy during calendar year 1977. Accordingly, the Departments have set aside 220,000 units of the calendar year 1977 Virgin Islands quota for possible allocation to new firms.

New firms may apply for the set-aside portion of the Virgin Islands quota on or before June 15, 1977, or such later date as may be established through publication of a notice in the FEDERAL REGISTER. Applicants must complete applicable sections of Form DIB-334P, copies of which may be obtained from the Special Import Programs Division, Room 6895, U.S. Department of Commerce, Washington, D.C. 20230, and must provide information regarding their experience in watch movement assembly and distribution; anticipated employment of local workers and proposed wage rates; watch movement assembly operations to be performed and types of movements to be assembled in the territory; estimated direct labor costs; anticipated capital investment in the territory; proposed source of financing; and plans for marketing movements assembled in the territory. By "new firm" is meant an entity which has not heretofore been allocated a quota under Pub. L. 89-805 and which is completely separate from and unassociated with any present producer in terms of ownership and control.

Based on the Departments' evaluation of the information submitted by applicants, the Departments may allocate a part or all of the set-aside portion of the calendar year 1977 Virgin Islands quota among those applicants whose proposals, in the judgment of the Departments, offer the likelihood of the greatest contribution to the economy of the territory, and in such a manner as, in the judgment of the Departments, will best serve the interests of the territory.

Any part or all of the set-aside quota not allocated under this notice may be

reallocated among the 1977 Virgin Islands quota recipients in a manner best suited to contribute to the economy of the territory.

Dated: April 22, 1977.

ROBERT E. SHEPHERD,
Acting Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce.

RUTH G. VAN CLEVE,
Director, Office of Territorial Affairs, U.S. Department of the Interior.

[FR Doc.77-12113 Filed 4-26-77;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN MAN-MADE FIBER TEXTILE PRODUCTS FROM MEXICO

Establishing Import Levels

APRIL 22, 1977.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: New import levels for certain man-made fiber textile products from Mexico during the year beginning on May 1, 1977.

SUMMARY: The bilateral Cotton, Wool, and Man-Made Fiber Textile Agreement of May 12, 1975, as amended, between the Governments of the United States and Mexico establishes levels of restraint for certain specified categories of cotton and man-made fiber textile products, produced or manufactured in Mexico and exported to the United States during the three-year period beginning on May 1, 1975 and extending through April 30, 1978. In the letter published below the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to limit to the designated levels of restraint the amounts of man-made fiber textile products in Categories 219, 224, 225, 229, 235, and 238, produced or manufactured in Mexico, which may be entered into the United States for consumption or withdrawn from warehouse for consumption during the twelve-month period beginning on May 1, 1977 and extending through April 30, 1978.

EFFECTIVE DATE: May 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Donald R. Foote, International Trade Specialist, Office of Textile, U.S. Department of Commerce, Washington, D.C. 20230, 202-377-5423.

SUPPLEMENTARY INFORMATION: The bilateral agreement provides for the establishment in consultations between the two governments of specific levels of restraint for cotton textile products in Categories 9/10, 22/23, 26/27 and 26 (duck) during the agreement year beginning on May 1, 1977. These levels have not yet been established. They will be published when established. The levels of restraint set forth in the letter published

below for man-made fiber textile products in Categories 225 and 238 have been reduced, respectively, by 115,794 dozen and 55,021 dozen to account for carry-forward applied to these categories in the agreement year beginning on May 1, 1976.

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

COMMITTEE FOR THE IMPLEMENTATION OF
TEXTILE AGREEMENTS

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

APRIL 22, 1977.

Dear Mr. Commissioner: Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 30, 1973, pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of May 12, 1975, as amended, between the Governments of the United States and Mexico, in accordance with the provisions of Executive Order 11651 of March 3, 1972, you are directed to prohibit, effective on May 1, 1977 and for the twelve-month period extending through April 30, 1978, entry into the United States for consumption, or withdrawal from warehouse for consumption, of man-made fiber textile products in Categories 219, 224, 225, 229, 235, and 238, in excess of the following levels of restraint:

Category:	12-mo. level of restraint	
219	dozen	564,597
224	pounds	2,555,897
225	dozen	2,119,574
229	do	169,127
235	do	372,097
238	do	930,280

In carrying out this directive, entries of man-made fiber textile products in Categories 219, 224, 225, 229, 235 and 238, produced or manufactured in Mexico and exported to the United States prior to May 1, 1977, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the period May 1, 1976 through April 30, 1977. In the event that the levels of restraint established for that twelve-month period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter.

The levels of restraint set forth above are subject to adjustment in the future pursuant to the provisions of the bilateral agreement of May 12, 1975, as amended, between the Governments of the United States and Mexico which provide, in part, that: (1) Within the aggregate and applicable group limits, specific levels of restraint may be exceeded by designated percentages; (2) these levels may be increased for carryover and carryforward up to 11 percent of the applicable category limit; (3) consultation levels may be increased within the aggregate and applicable group limits upon agreement between the two governments; and (4) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement. Any appropriate adjustments under the provisions of the bilateral agreement referred to above will be made to you by letter.

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

ber 31, 1975 (40 FR 60220), December 30, 1976 (41 FR 56881), January 21, 1977 (42 FR 3888), and March 7, 1977 (42 FR 12898).

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

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

Sincerely,

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

[FR Doc.77-12078 Filed 4-26-77;8:45 am]

CONSUMER PRODUCT SAFETY
COMMISSION
ARCHITECTURAL GLAZING MATERIALS
Advisory Opinion

AGENCY: Consumer Product Safety
Commission.

ACTION: Notice of advisory opinion.

SUMMARY: The Commission publishes an Office of the General Counsel advisory opinion, approved by the Commissioners, concerning a method for certifying that architectural glazing materials conform to the Commission's Standard for Architectural Glazing Materials. The advisory opinion, which was issued on April 15, 1977, responds to an inquiry from PPG Industries.

FOR FURTHER INFORMATION CONTACT:

Alan H. Schoem, Office of the General
Counsel, Consumer Product Safety
Commission, Washington, D.C. 20207.
Telephone 202-634-7770.

SUPPLEMENTARY INFORMATION: The Commission's Office of the General Counsel is responsible for interpreting the Consumer Product Safety Act and other statutes administered by the Commission. The Office of the General Counsel's interpretations of these acts are generally issued in the form of Advisory Opinions involving controversial or policy matters are generally provided to the Commissioners for review prior to issuance. Mr. F. J. Trunzo, Jr., Assistant Counsel, PPG Industries, Inc. sought an interpretation from the Office of the General Counsel of the certification requirements under the Consumer Product Safety Act. The General Counsel's office responded to the inquiry in Advisory Opinion 248 which was reviewed and approved by the Commission. The Commission is publishing the text of that Advisory Opinion in order to apprise manu-

facturers of architectural glazing materials of the Commission's interpretation of the certification requirements under the Consumer Product Safety Act. Other Office of the General Counsel Advisory Opinions are available in the Office of the Secretary, 1111 18th Street, NW., Washington, D.C. upon request.

APRIL 15, 1977.

F. J. TRUNZO, Jr.,
Assistant Counsel, PPG Industries, Inc., One
Gateway Center, Pittsburgh, Pennsylv-
ania 15222.

DEAR MR. TRUNZO: This letter is in response to your correspondence of February 18, 1977, received by our office on March 2, 1977, in which you seek the views of the Office of the General Counsel in regard to certification under section 14 of the Consumer Product Safety Act (CPSA) as it applies to architectural glazing materials subject to the Commission's Standard for Architectural Glazing Materials (16 CFR 1201).

As you are aware, section 14(a) of the CPSA provides that a manufacturer of a product subject to a consumer product safety standard issued under the CPSA must issue a certificate which certifies that the product conforms to all applicable consumer product safety standards, and that specifies any standard which is applicable. Section 14(a) also specifies that certification shall be on the basis of a test of each product or a reasonable testing program, and that the certificate shall accompany the product or otherwise be furnished to any distributor or retailer to whom the product is delivered. Further, the certificate is required to state the name of the manufacturer or private labeler issuing the certificate, and must include the date and place of manufacture.

You ask whether a permanent label that contains the information specified in section 14(a) and that is on the architectural glazing material itself would, in our view, comport with the certification requirements of section 14(a) until such time as the Commission may adopt regulations with respect to certification and labeling.

It is the view of the Office of the General Counsel that, in the absence of regulations to the contrary, the certification necessary to comply with section 14(a) of the CPSA for the Standard for Architectural Glazing Materials must be in the form of a separate certificate (i.e., a certificate separate from the glazing material, for example, a paper certificate) that accompanies glazing material subject to the standard.

We believe that this interpretation is appropriate in the absence of regulations because one purpose of the certificate is to allow persons in the distribution chain who hold a certificate certifying that glazing material complies with the Commission's standard to rely on that certificate without fear of committing a prohibited act under section 19(a)(1) of the CPSA. Depending on the product involved, the only way these persons may be able to demonstrate that products they receive or distribute comply with a Commission standard is if the certificate is a document separate from the consumer product itself. In the case of architectural glazing materials, for example, if a person in the distribution chain cuts glazing to smaller sizes and thereby destroys the label on the product, that person would be without a separate certificate certifying that the glazing material complies with the Commission's standard and would be without any protection when asked to confirm that such cut glazing complies with the Commission's standard.

In regard to your concern that a paper certificate may be misused, we believe that

the certification requirements of section 14 (a) would be satisfied by, for example, a certification on an invoice or bill of lading containing the information specified in section 14(a). The legislative history of the CPSA discusses in part the type of certificate that must accompany consumer products subject to a standard. The legislative history makes it clear that a separate certificate need not accompany each individual product.

"(W)here it is reasonable and appropriate to certify an entire production run, or batch or group of products based upon a reasonable testing program, the certificate may apply to the entire production run, batch or group of products and may be furnished to the distributor or retailer together with a bill of lading (or otherwise) at the time the first product from the production run, batch, or group is delivered to the distributor or retailer. For some products it may be possible to certify an entire model year; for others, testing results would be valid for only a single day's production.

The committee understands that an original shipment is frequently divided in the course of its distribution and portions of the shipment will end up in the possession of more than one retailer. In these circumstances, manufacturers, importers, or private labelers would not be expected to issue original certificates to each distributor or retailer. It would satisfy the requirements of this section to deliver a copy of the certification to any party within the distribution chain to whom the product is delivered." H.R. Rep. No. 1153, 92d Cong. 2d Sess. 40 (1972).

A manufacturer, in our view, would not be required, in the absence of regulations, to provide its customers with separate labels to be applied to cut glazing. Moreover, there is nothing to preclude a manufacturer of glazing material from supplementing the certificate it issues with a permanent label placed directly on the glazing material.

In the absence of a Commission rule prescribing a reasonable testing program for architectural glazing materials subject to the Commission's standard, manufacturers of glazing material may develop and implement their own reasonable testing programs for purposes of certifying compliance with the Commission's standard. Records of the reasonable testing program should be maintained for a reasonable period of time. Your proposal to maintain such records for three years after the date of testing appears at this time to be reasonable to us.

You also ask for the Commission's approval for other specific information that you intend to include on the certificate issued in accordance with section 14(a) of the Act. This includes the name of the manufacturer, the place and date (by week) of manufacture, the type and thickness of glazing, the designation 16 CFR 1201 or "I" or "II", and an identification of the particular tempering furnace or autoclave used.

As long as the certificate issued pursuant to section 14(a) is based on a reasonable testing program, contains a certification that the glazing material conforms to the Standard for Architectural Glazing Materials, specifies the standard that is applicable, states the name of the manufacturer or private labeler issuing the certificate, and includes the date and place of manufacture, it would be in conformance with section 14 (a) of the CPSA. Manufacturers are not precluded from including information in addition to that specified above on the certificate. Thus, you could include an identification of the type and thickness of glazing and the particular tempering furnace or autoclave on the certificate.

It is our view that the designation 16 CFR 1201(I) or 16 CFR 1201(II) or 16 CFR 1201 (I), (II), whichever is appropriate, would be an acceptable means of certifying that glazing material conforms to the Commission's standard and an adequate specification of the standard which is applicable. We believe, however, that the designation I or II or I, II by itself would not be an adequate specification that glazing material conforms to the standard and would not be an adequate specification of the standard which is applicable.

In the absence of a regulation to the contrary, we believe manufacturers or private labelers issuing a certificate required by section 14(a)(1) of the CPSA could code the place and date of manufacture, the type and thickness of glazing material and the identification of the particular tempering furnace or autoclave used as you indicate you intend to do. In addition, the certificate could include reference to applicable voluntary standards or certification programs.

We believe that if PPG or other manufacturers of glazing materials issue certificates that comply with the program that we have discussed above, they would be in compliance with section 14(a) of the CPSA.

The Commission anticipates proposing a certification rule for architectural glazing materials under section 14(b) of the CPSA in mid-June. We would welcome your views on the proposed rule when it is published.

This Advisory Opinion has been approved by the Commission.

Sincerely,

DAVID SCHMELTZER,
Acting General Counsel.

Dated: April 21, 1977.

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

[FR Doc.77-12054 Filed 4-26-77;8:45 am]

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

ADVISORY COMMITTEE ON GEOTHERMAL ENERGY RESOURCE SUBCOMMITTEE

Meeting

In accordance with provisions of Pub. L. 92-463 (Federal Advisory Committee Act), the Resource Subcommittee of the Advisory Committee on Geothermal Energy will hold its first meeting on Thursday, May 12, 1977, from 9:30 a.m. to 4:30 p.m., Room 2S32, Federal Building, 880 Front Street, San Diego, California. This meeting will be open to the public. The purpose of this meeting is: to review plans and activities of the Division of Geothermal Energy, U.S. Energy Research and Development Administration; in particular, to discuss and to provide advice on programs and approaches to effective government-industry cooperation with respect to geothermal resources assessment problems in the development of geothermal energy.

The tentative agenda for the meeting is as follows:

- 9:30 a.m. Introductory Remarks, Dr. C. W. Berge, Chairman.
- 10 a.m. Geoscience Research.
- 11 a.m. Resource Exploration and Assessment Technology.
- 12 m. Lunch.
- 1:30 p.m. National and Regional Resource Assessment.

- 2:30 p.m. Resource Information Dissemination.
- 3:30 p.m. General Discussion.
- 4:30 p.m. Adjournment.

Practical considerations may dictate alterations in the above agenda. This will be a working meeting and the Chairman is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business.

With respect to public participation in agenda items, scheduled above, the following requirements shall apply:

a. Persons wishing to submit written statements on agenda items may do so by mailing 12 copies thereof, postmarked no later than May 7, 1977, to the Director, Division of Geothermal Energy, U.S. Energy Research and Development Administration, 20 Massachusetts Avenue, N.W., Washington, D.C. 20545. Comment shall be directly relevant to the above agenda items. Minutes of the meeting will be kept open for 30 days for the receipt of written statements for the record.

b. Information as to whether the meeting has been rescheduled or relocated can be obtained by a prepaid telephone call on May 9, 1977, to the Division of Geothermal Energy, Energy Research and Development Administration, Helen Krupovich on (202) 376-4904 between 8:30 a.m. and 5:00 p.m., E.S.T.

c. Questions at the meeting may be propounded only by members of the Subcommittee and ERDA officials assigned to participate with the Subcommittee in its deliberations.

d. Seating to the public will be made available on a first-come, first-served basis.

e. The use of still, movie, and television cameras, the physical installation and presence of which will not interfere with the course of the meeting, will be permitted both before and after the meeting and during the recess. The use of such equipment will not, however, be allowed while the meeting is in session.

f. Copies of minutes will be made available for copying, following their certification by the Chairman in accordance with the Federal Advisory Committee Act, at the Energy Research and Development Administration's Public Document Room, 20 Massachusetts Avenue, N.W., Washington, D.C. 20545, upon payment of all charges required by law.

HARRY L. PEEBLES,
Deputy Advisory
Committee Management Officer.

[FR Doc.77-12128 Filed 4-26-77;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 21049 (RM-2749)]

COMMERCIAL TELEVISION NETWORK PRACTICES

Order Extending Time for Comments and Reply Comments

Adopted: April 19, 1977.

Released: April 20, 1977.

In the matter of commercial television network practices and the ability of sta-

tion licensees to serve the public interest.

1. This Inquiry proceeding was begun by Notice of Inquiry issued January 14, 1977 (FCC 77-53, 42 FR 4991). The dates for comments and reply comments were therein specified as May 2 and June 1, 1977, respectively.

2. On April 13, 1977, National Citizens Committee for Broadcasting (NCCB) filed a "Motion for Extension of Time to File Comments", asking that the time for filing comments be extended to and including June 15, 1977, or about 45 days. In support of its request, NCCB urges the importance of this matter and its complexity (noting the large number of questions raised in the 18-page Notice), the asserted impossibility for interested members of the public to analyze the Notice, consider their approach and submit informed comments in the time allotted of roughly three months, and the great burden of many matters before the Commission and elsewhere which must be handled by only two fully accredited attorneys currently on the staff of Citizens Communication Center, NCCB's counsel.

3. It appears that, with the wide scope and complexity which this important matter has, some additional time for the filing of comments is warranted and will facilitate the presentation of meaningful views and information. However, it does not appear that the full 45 days requested is necessary or warranted. It is necessary that material be received as soon as possible so that the staff to be assigned to this inquiry can begin analyzing it to determine what subjects are to be explored and in what manner. The original period allowed in the Notice was more than 100 days. Under these circumstances, a period of 30 days is all of the additional time which is warranted.

4. In view of the foregoing, it is ordered, That the time for comments in this proceeding, Docket No. 21049, is extended, to and including June 1, 1977 for initial comments and July 1, 1977 for reply comments. This action is taken pursuant to authority contained in sections 4(i), 5(d) (1) and 303(r) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules.

PAUL WM. PUTNEY,
Acting Chief, Broadcast Bureau.

[FR Doc. 77-11975 Filed 4-26-77; 8:45 am]

FEDERAL ENERGY ADMINISTRATION

ENERGY SUPPLY AND ENVIRONMENTAL COORDINATION ACT

Issuance of Notice of Effectiveness To Make Effective Previously Issued Prohibition Order

Pursuant to 10 CFR 303.37(d), the Federal Energy Administration (FEA) hereby gives notice that on April 19, 1977, it issued a Notice of Effectiveness making effective the Prohibition Order previously issued on June 30, 1975, (40 FR 28430, July 3, 1975) to the below listed powerplant. The Notice of Effectiveness was issued under the authorities granted to

FEA by section 2 of the Energy Supply and Environmental Coordination Act of

1974, as amended, and pursuant to 10 CFR Parts 303 and 305.

Docket No.	Owner	Powerplant No.	Generating station	Location
OFU-008	Iowa Public Service Co.	14	Maynard	Waterloo, Iowa.

The Prohibition Order issued by FEA on June 30, 1975, to the above listed powerplant prohibits the powerplant from burning natural gas or petroleum products as its primary energy source. In accordance with the requirements of 10 CFR Parts 303 and 305, however, the order provided it would not become effective until FEA had considered the environmental impact of the order and until FEA had served the affected powerplant with a Notice of Effectiveness.

Subsequent to issuance of the Prohibition Order, FEA performed an analysis pursuant to 10 CFR 305.9 and 208.3, of the environmental impact of the issuance of this Notice of Effectiveness. That analysis resulted in a determination that it is clear that issuance of this Notice of Effectiveness making this Prohibition Order effective is not a "major Federal action significantly affecting the quality of the human environment." Section 102 (2) (C) of the National Environmental Policy Act, 42 U.S.C. 4332(2) (C). Public notice of the negative determination and of the availability for inspection of this analysis was given in the FEDERAL REGISTER published January 7, 1977, in accordance with 10 CFR 208.4(c) and 208.15(a).

Upon completion of this environmental analysis, FEA issued this Notice of Effectiveness of the June 30, 1975, Prohibition Order to the above listed powerplant and served the Notice on the powerplant by registered mail on the same day. The notice makes effective the Prohibition Order, prohibiting the powerplant from burning natural gas or petroleum products as its primary energy source.

Any person aggrieved by the now effective Prohibition Order may file an appeal with the FEA Office of Exceptions and Appeals in accordance with 10 CFR Part 303, Subpart H. The appeal shall be filed within 30 days after April 20, 1977. There has not been an exhaustion of administrative remedies until an appeal has been filed pursuant to Subpart H of Part 303, and the appellate proceeding is completed by the issuance of an order granting or denying the appeal.

Application may be made for modification or rescission of the Prohibition Order in accordance with the provisions of 10 CFR Part 303, Subpart J. An application for modification or rescission of a Prohibition Order based on "significantly changed circumstances," which circumstances occurred during the interval between issuance of the order and service of the Notice of Effectiveness, shall be filed within 30 days of April 20, 1977. An application for modification or rescission of a Prohibition Order based on significantly changed circumstances occurring after that interval may be filed at any time after April 20, 1977.

All terms and conditions of the Prohibition Order and the Notice of Effec-

tiveness may be the subject of either an appeal or an application for modification or rescission.

The order made effective by this Notice of Effectiveness is effective against any persons that, as of April 20, 1977, own, lease, operate, or control the above listed powerplant and against any successors-in-interest or assignees of such persons.

The above listed powerplant has been served this Notice of Effectiveness by registered mail. In addition, copies of this document will be available for inspection by any interested members of the public at the FEA public docket room located in Room B-120, 2000 M Street, NW., Washington, D.C., from 1-5 p.m., Monday-Friday. Copies will also be available in the appropriate FEA regional office. The negative determination and environmental analyses are available upon request from the FEA National Energy Information Center, Room 1404, 12th and Pennsylvania Avenue, NW., Washington, D.C. 20461. Copies of the documents are also available for public review in the FEA Freedom of Information Reading Room, Room 2107, 12th and Pennsylvania Avenue, NW., Washington, D.C.

Any questions regarding this notice should be directed to the Director, Office of Fuel Utilization, Federal Energy Administration, 12th Street and Pennsylvania Avenue, NW., Washington, D.C., 20461, 202-566-7941.

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

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

[FR Doc. 77-12020 Filed 4-22-77; 12:31 pm]

MEETING

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 700), notice is hereby given of a meeting of designated representatives from various FEA Advisory Committees to be held Friday, May 13, 1977, at 10 a.m., Room 5041, FEA Headquarters, 12th and Pennsylvania Avenue, NW., Washington, D.C.

The purpose of this meeting is to secure the views of a representative cross-section of FEA Advisory Committees on the President's energy proposal presented to Congress on April 20, 1977.

The meeting is open to the public. The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should in-

form Lois Weeks, Director, Advisory Committee Management, (202) 566-9969, at least 5 days prior to the meeting and reasonable provision will be made for their appearance on the agenda.

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

The transcript of the meeting will be available for public review at the Freedom of Information Public Reading Room, Room 2107, FEA, Federal Building, 12th and Pennsylvania Avenue, N.W., Washington, D.C. between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays. Any person may purchase a copy of the transcript from the reporter.

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

ERIC J. FYGI,
Acting General Counsel.

[FR Doc.77-12087 Filed 4-22-77; 3:54 pm]

FEDERAL HOME LOAN BANK BOARD

[No. AC-34]

SKOKIE FEDERAL SAVINGS AND LOAN ASSOCIATION, SKOKIE, ILLINOIS

Post Approval Amendment of Conversion Application (Notice of Final Action)

APRIL 21, 1977.

Notice is hereby given that on April 21, 1977, the Federal Home Loan Bank Board, as the operating head of the Federal Savings and Loan Insurance Corporation, by Resolution No. 77-248, approved the amendment to the application of Skokie Federal Savings and Loan Association, Skokie, Illinois, for permission to convert to the stock form of organization. The application to convert was approved on February 17, 1977. Copies of the application and the amendment are available for inspection at the Office of the Secretary of said Corporation, 320 First Street, NW, Washington, D.C. 20552 and the Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of Chicago, 111 East Wacker Drive, Chicago, Illinois 60601.

By the Federal Home Loan Bank Board.

J. J. FINN,
Secretary.

[FR Doc.77-12084 Filed 4-26-77; 8:45 am]

FEDERAL MARITIME COMMISSION

PUERTO RICO MARITIME SHIPPING AUTHORITY ET AL.

Agreement Filed

Puerto Rico Maritime Shipping Authority; Trailer Marine and Transport, Inc.; Seatrain Gitmo, Inc.; and Sea-Land Service, Inc.

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before May 17, 1977. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this had been done.

Notice of Agreement Filed by:

Mr. Donald C. O'Malley, Director, Tariff and Regulatory Affairs, Crowley Maritime Corporation, Caribbean Division, 7933 Baymeadows Way, Jacksonville, Florida 32216.

Agreement No. DC-83-2, between Puerto Rico Maritime Shipping Authority, Trailer Marine Transport, Inc., Seatrain Gitmo, Inc., and Sea-Land Service, Inc. (Sea-Land), modifies the basic agreement which provides for the parties': (1) discussion of tariff rates, charges, classifications, practices, and related matters to be charged or observed by each in the U.S. Atlantic Coast/Puerto Rico trade; and (2) discussion exploring the resolution of matters in litigation between the parties before the Federal Maritime Commission. The purpose of this modification is to include Sea-Land as a party to the agreement.

By Order of the Federal Maritime Commission.

Dated: April 22, 1977.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77-12107 Filed 4-26-77; 8:45 am]

TULSA PORT OF CATOOSA AND TULOMA STEVEDORING, INC.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Mari-

time Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before May 17, 1977. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Harley W. Ladd, Port Director, Tulsa Port of Catoosa, 5301 West Channel Road, Catoosa, Oklahoma 74015.

Agreement No. T-3455, between Tulsa Port of Catoosa (Port) and Tuloma Stevedoring, Inc., (Tuloma), grants Tuloma the nonexclusive right for a period of three years to provide loading, unloading, storage, transfer, and transportation services for cargo at Port's terminal facilities. Tuloma shall provide the above services in accordance with the Port's currently published tariff. In return, Port shall receive wharfage assessments and tollage fees. The wharfage portion of this compensation is subject to a minimum annual guarantee as further provided for in the basic agreement. Tuloma shall also be responsible for the cost of utilities incurred as a result of its operations on the said premises.

By order of the Federal Maritime Commission.

Dated: April 22, 1977.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77-12108 Filed 4-26-77; 8:45 am]

UNITED STATES/EUROPE DISCUSSION AGREEMENT

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New

York, N.Y., New Orleans, Louisiana, San Francisco, California and San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before May 17, 1977. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Howard A. Levy, Esquire, Suite 727, 17 Battery Place, New York, New York 10004.

Agreement No. 10022-4, among the member lines of the above-named agreement, amends the basic agreement to extend its authority for an additional two year period through June 5, 1979.

By Order of the Federal Maritime Commission.

Dated: April 22, 1977.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77-12106 Filed 4-25-77;8:45 am]

GENERAL PRINCIPLES RELATING TO EQUALIZATION AND ABSORPTION CLARIFICATION OF DENIAL OF PETITION FOR RULEMAKING

Filing of Petition for Modification

Notice is hereby given that counsel for various Gulf port interests have filed a petition for modification of an April 5, 1974 order of the Commission which clarified its earlier denial of a petition for rulemaking (14 SRR 630). The petition for rulemaking had sought to have the Commission determine various issues regarding equalization, absorption and minibrIDGE by way of rulemaking proceedings. While denying the petition for rulemaking, The Commission designated Docket No. 73-35 et al *Intercoastal Service of Containers and Barges at the Port of Philadelphia; Possible Violations of the Shipping Act, 1916, and Intercoastal Shipping Act, 1933*, as the vehicle for announcing the general principles relating to equalization and absorption.

The Gulf ports' current petition seeks to modify the Commission's earlier order eliminating the designation of Docket No. 73-75 as the leading case for announcing equalization and absorption principles.

Their position essentially is that a proceeding (Docket No. 73-35) which seeks to establish rules of conduct for the future based upon evidence of past violations at Philadelphia is a totally unsuitable vehicle by which guidelines may be produced to govern totally different situations at the Gulf ports.

Notice is hereby given that replies to the Gulf ports' petition may be filed by interested persons and the Commission's Bureau of Hearing Counsel on or before May 11, 1977. An original and fifteen copies of any such replies should be filed with the Commission's Office of the Secretary.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77-12109 Filed 4-25-77;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. CP76-9; Docket No. CP76-280; and Docket No. CP76-386]

DISTRIGAS CORP. AND DISTRIGAS OF MASSACHUSETTS CORP.

Order Granting Interventions, Establishing Procedural Dates and Fixing Date for Formal Hearings

APRIL 15, 1977.

On July 8, 1975, Distrigas Corporation (Distrigas) filed in Docket No. CP76-9 an application pursuant to section 3 of the Natural Gas Act for authorization to import into the United States at Everett, Massachusetts, from Algeria, approximately 21 million MMBtu of liquified natural gas (LNG) over an 18 month period.¹ On February 23, 1976, and amended on April 22, 1976, Distrigas requested in Docket No. CP76-280 authorization pursuant to section 7(c) of the Natural Gas Act to sell the proposed import volumes requested in Docket No. CP76-9 to its affiliate, Distrigas of Massachusetts Corporation (DOMAC). On May 28, 1976, DOMAC filed pursuant to section 7(c) of the Natural Gas Act an application in Docket No. CP76-386 for authorization to sell for resale the aforementioned LNG to both interstate and Massachusetts distribution company customers from its Everett terminal. The proposals are more fully set forth in the application on file with the Commission.

Distrigas in Docket No. CP76-9 proposes to import up to 950,000 cubic meters of LNG (approximately 21 million MMBtu equivalent) from the Skikda, Algerian liquefaction plant to its affiliates', DOMAC, LNG terminal located in Everett, Massachusetts during the 18 month period beginning July 1, 1976 and ending December 31, 1977 (termed the Interim Program). The proposed delivery schedule on a firm "take or pay" basis for the Interim Program volumes which are in addition to the 15.4 million MMBtu per year import authorized by the Com-

mission in Distrigas Corporation, Docket No. CP70-196, Opinion No. 613, issued March 9, 1972 (termed the Descartes Program)² is as follows:

July 1, 1976 thru December 31, 1976—200,000 cubic meters (approx. 4.5 million MMBtu).

January 1, 1977 thru June 30, 1977—300,000 cubic meters (approx. 6.7 million MMBtu).

July 1, 1977 thru December 31, 1977—450,000 cubic meters (approx. 10.1 million MMBtu).

Total—950,000 cubic meters.

Distrigas proposed to purchase these interim import volumes from Alocean, a Bermuda Corporation jointly owned by Gazocean International S.A., a Swiss Corporation, and Sonatrach in accordance with a supply contract between the parties entitled "Agreement for the Sale and Purchase of Liquefied Natural Gas," dated October 4, 1975.³ This agreement among other things, provides for the following: (1) Alocean (Sonatrach's agent) warrants that production of LNG from the fourth train presently under construction at Skikda, Algeria shall be reserved in priority to the performance of this agreement; (2) the scheduled port of destination is Boston, Massachusetts, however, Distrigas shall have the right to designate any other safe port on the East Coast of the U.S., north of Cape Hatteras; (3) Distrigas shall not be obligated to accept tankers with a volume over 95,000 cubic meters (approximately 2.1 million MMBtu equivalent), but both parties may mutually decide to use tankers with a volume not to exceed 120,000 cubic meters (approximately 2.7 million MMBtu equivalent); (4) a purchase price C.I.F. Everett of \$2.30 per MMBtu, subject to adjustment for variation in the average exchange rate of the U.S. dollar using a prescribed formula; (5) the agreement shall expire on December 31, 1977 or is subject to possible cancellation by either party if the required governmental authorizations are not obtained by March 31, 1976; and (6) the provisions of the protocol dated June 6, 1975, relating to the same subject matter as this agreement, are repealed and the other provision of such protocol remain in force.

Distrigas in Docket No. CP76-280 proposes to sell these interim import volumes to its affiliate, DOMAC, in accordance with a LNG Requirement Agreement at the prices specified in the Distrigas-Alocean supply contracts, as such prices may from time to time be adjusted pursuant to the terms thereof or any effective amendments thereto.

DOMAC in Docket No. CP76-386 proposes to resell the LNG that would be imported at such terminal to the following out-of-state and Massachusetts distribution company customers in the following MMBtu equivalent amounts:

¹ 47 FPC 752.

² As supplemented on September 17, October 31, and November 20, 1976, and March 22, 1977.

³ A protocol dated June 6, 1975 originally served as a basis for this Interim Program.

Out-of-State customers	July 1 to Dec. 31, 1976	Jan. 1 to June 30, 1977	July 1 to Dec. 31, 1977	Total
Brooklyn Union Gas Co.	1,410,000	2,115,000	3,172,000	
The Connecticut Gas Co.	150,000	225,000	338,000	
New Jersey Natural Gas Co.	30,000	45,000	68,000	
Providence Gas Co.	270,000	405,000	608,000	
South Jersey Gas Co.	180,000	270,000	405,000	
Valley Gas Co.	36,000	54,000	81,000	
Subtotal	2,076,000	3,114,000	4,672,000	9,862,000
MASSACHUSETTS CUSTOMERS				
Bay State Gas Co.	270,000	405,000	608,000	
Fall River Gas Co.	45,000	68,000	101,000	
Haverhill Gas Co.	30,000	45,000	68,000	
Subtotal	345,000	518,000	777,000	1,640,000
Grand total	2,421,000	3,632,000	5,449,000	11,502,000

By the terms of a Precedent Agreement dated February 10, 1977, filed on March 22, 1977, Boston Gas has agreed to purchase 1,422,000 MMBtu between July 1 and December 31, 1976; 2,133,000 MMBtu between January 1 and June 30, 1977; 3,200,000 MMBtu between July 1 and December 31, 1977.

DOMAC proposes to flow through to its customers the purchase cost of these interim import volumes (initial base price of \$2.30 per MMBtu) adjusted for losses, uses and currency changes in accordance with a pro forma Rate Schedule GS-2. All other terminaling cost would be recovered under DOMAC's Rate Schedule TS-1 which was accepted for filing by the Commission's order issued April 16, 1976, in DOMAC, Docket No. RP76-73.

DOMAC states that its existing facilities at the Everett, Massachusetts terminal are adequate to make the proposed sales and that no additional facilities would be required.

After due notice of these applications by publication in the FEDERAL REGISTER, various petitions to intervene were filed as indicated herein:

Docket No. CP76-9

The City of New York
Bay State Gas Company, et al.
The Brooklyn Union Gas Company
Phillips Petroleum Company
Public Service Electric and Gas Company
Algonquin Gas Transmission Company

Docket No. CP76-280

Algonquin Gas Transmission Company
Boston Gas Company
The Brooklyn Union Gas Company

Docket No. CP76-386

The Brooklyn Union Gas Company
South Jersey Gas Company
Bay State Gas Company, et al.
New Jersey Natural Gas Company
Boston Gas Company
Algonquin Gas Transmission Company
The City of New York

The City of New York in its petition in Docket No. CP76-9 asserts that this application must be evaluated on the issues of reliability and adequacy of price and the safe transportation of LNG by truck. Boston Gas in its petition in Docket No. CP76-280 requests that the Commission defer any action that would impose section 7 conditions on the intrastate sales

of imported LNG pending determination of their jurisdictional status in the CP70-196 proceeding involving Distrigas.¹ In its CP76-386 petition, Boston Gas protests to the filing of a section 7 application insofar as it purports to include the sale of imported LNG by DOMAC to Massachusetts' customers. The transportation of LNG by truck, a concern of the City of New York is not a jurisdictional transportation mode regulated by the Federal Power Commission, but comes under the auspices of the Interstate Commerce Commission. The City of New York's concern is more properly addressed to our sister agency. Exemption of Certain Transport and/or Sales of Liquefied Natural Gas From the Requirements of section 7(c), Docket No. R-377 (49 FPC 1087).

By letters dated July 7, 1975, the Commission transmitted copies of Distrigas' import application in Docket No. CP76-9 to the Secretaries of State and Defense soliciting their views on the application. No adverse comments have been received by the Commission.

The Commission though shares the City of New York's concern for the appropriateness of the proposed import and sales prices and the reliability of the supply. We believe that the public interest would be best served by the development of a full evidentiary record on these issues. We will establish herein an evidentiary format through which a full record can be made. The Commission inter alia specifically wishes to have the following terms addressed by the Applicants and/or their customers under the procedure established herein:

1. The availability and reliability of Algerian liquefaction facilities and LNG tankers to provide the subject gas;
2. Each customer's end-use of this gas;
3. The efforts that each DOMAC customer has made to encourage the conservation of natural gas and to obtain supplies of natural gas at a lower price;
4. The marketability of this gas in the general service area of each DOMAC

¹ A settlement has been filed with the Commission in respect to the jurisdictional status of the Everett terminal and sales to Massachusetts in Docket No. CP70-196 of which Boston Gas is a signatory.

customer considering all charges and arrangements to deliver such gas to such customers and the relative attractiveness of such gas when compared to the cost of alternative energy sources in such general service areas, i.e., cost of electricity, propane, coal and fuel oil; and

5. The feasibility of allowing this importation if the jurisdictional status of the Everett facilities and environmental impact of the Distrigas portion has not been the subject of a final Commission order.

The Commission finds:

(1) It is in the public interest to require that a formal public hearing be set for an evidentiary presentation of the subject proposals, as set forth herein.

(2) Participation by the aforementioned intervenors may be in the public interest.

(3) The applications in Docket No. CP76-9, CP76-280 and CP76-386 may involve common questions of law or fact.

The Commission finds:

(A) The proceedings in Docket No. CP76-9, CP76-280 and CP76-386 are hereby consolidated for hearing and disposition.

(B) Pursuant to the authority of the Natural Gas Act, particularly section 7, 3 and 15 thereof, the Commission's Rules of Practice and Procedure (18 CFR Chapter I, Subchapter E), a prehearing conference shall be held on April 26, 1977, commencing at 10 a.m. in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20240, to discuss procedural issues and the clarification of issues.

(C) An 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 prehearing conference in this proceeding with authority to establish and change all procedural dates, and to rule on all motions (with the sole exception of petitions to intervene, motions to consolidate and serve, and motions to dismiss, as provided for in the Rules of Practice and Procedure.

(D) The aforementioned petitioners are permitted to intervene, subject to the rules and regulations of the Commission provided that the participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in their petitions to intervene and provided further that the admission of such intervenor shall not be construed as recognition by the Commission that they or any one of them might be aggrieved because of any order issued by the Commission in this proceeding.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 77-11922 Filed 4-26-77; 8:45 am]

[Docket No. RP77-53]

CITY OF BLOUNTSTOWN, FLORIDA AND ABITIBI CORP.**Joint Petition for Interim and Permanent Extraordinary Relief**

APRIL 20, 1977.

Take notice that on April 11, 1977, the City of Blountstown, Florida (Blountstown), on behalf of the Abitibi Corporation (Abitibi) and Abitibi filed a petition, pursuant to sections 4(b), 5(a), 13, 14(a), and 16 of the Natural Gas Act, § 1.7(b) of the Commission's Rules of Practice and Procedure, § 2.78(b) of the Commission's General Policy and Interpretations, and the Emergency Natural Gas Act of 1977, for interim and permanent extraordinary relief from curtailment by Florida Gas Transmission Company (Florida Gas). Petitioners request interim relief in the volume of up to 2,200 therms of natural gas per day and permanent relief from curtailment to Blountstown for resale to Abitibi in such minimal volumes requested, or, alternatively, permanent firm gas sales to Abitibi in volumes not exceeding 2,200 therms per day on every day of curtailment when a minimum of 2,200 therms of natural gas would not be available on an interruptible basis.

Blountstown is a direct customer of Florida Gas with an annual volumetric entitlement of 720,000 therms of firm deliveries (Rate Schedule G) and 3,350,000 therms deliverable for preferred interruptible customers. Abitibi has an annual volumetric entitlement of 3,000,000 therms as a preferred interruptible customer and no other source of natural gas. It operates a plant in Blountstown that manufactures insulated fibreboard sheathing through a unique closed-water zero-effluent system.

In support of their request for extraordinary relief, petitioners assert, among other things, that: (1) Abitibi utilizes natural gas for four major functions, namely, office heating and plant protection, boiler and dryer combustion, to fuel its boiler, and to fuel two large dryers; (2) Abitibi has just sustained a period of 22 days of 100 percent curtailment, and manufactures a product for a highly competitive market wherein the inability to insure deliveries has a severe economic impact; (3) the plant protection volumes sought are essential to prevent physical harm to the plant itself and danger to plant personnel; (4) Abitibi's experience with the use of propane for office heating has been insufficient to determine average winter monthly demand; (5) minimal amounts of natural gas are necessary in the plant for combustion purposes; (6) the volumes of natural gas sought by the instant petition are for high priority end uses for which Abitibi has no alternate fuel; and (7) Abitibi is one of Blountstown's largest employers with a work force of 100 persons in an economically depressed area.

Any person desiring to be heard or to make protest with reference to said petition should on or before May 4, 1977, file with the Federal Power Commission,

Washington, D.C. 20426 petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The petition is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 77-12060 Filed 4-26-77; 8:45 am]

[Docket No. RP77-43]

CITY OF TALLAHASSEE, FLORIDA v. FLORIDA GAS TRANSMISSION CO.**Extension of Time**

APRIL 19, 1977.

On April 15, 1977, Florida Gas Transmission Company filed a motion for an extension of time to answer the complaint in the above-designated proceeding which was served on them on March 30, 1977.

Upon consideration, notice is hereby given that the date for answering the complaint is extended to and including May 9, 1977.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 77-12071 Filed 4-26-77; 8:45 am]

[Docket No. CP77-196]

COLUMBIA GAS TRANSMISSION CORP.**Application**

APRIL 20, 1977.

Take notice that on April 6, 1977, Columbia Gas Transmission Corporation (Applicant), 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314, filed in Docket No. CP77-196 an application pursuant to section 7(c) of the Natural Gas Act and § 2.79 of the Commission's General Policy and Interpretations (18 CFR 2.79) for a certificate of public convenience and necessity authorizing the transportation of up to 1,000 Mcf of natural gas per day for Federal Glass Division of Federal Paper Board Company, Inc. (Federal) all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to transport up to 1,000 Mcf of natural gas per day for 2 years for Federal, which volumes would be received by Applicant into its Line FJ-172 in Lafayette Township, Coshoc-ton County, Ohio, from Pominex, Inc. (Pominex) for redelivery to Columbia Gas of Ohio, Inc. (Columbia Ohio), a wholesale customer of Applicant, and Columbia Ohio would transport the gas to a point of delivery in Columbus, Ohio for use by Federal at its Columbus, Ohio

operation. Applicant states that on February 11, 1977, it received temporary authorization to transport the proposed volumes of natural gas in the instant docket.

Applicant states that Federal was advised by Columbia, Ohio on February 1, 1977, that its curtailment for non-substitutable industrial process gas was increased to 85 percent, which equated to a curtailment of 4,251 Mcf per day in its Priority 2 usage. Federal's Columbus, Ohio operation manufactures household glass products in which production process gas is used for melting, glazing, burning-off, cracking-off and annealing units, and an alternate fuel cannot be used for processes due to the need for a uniform flame size and temperature and the presence of harmful products of oil combustion, it is said. Applicant indicates that Federal employs 1,200 people in its plant located in Columbus and is the fifth largest employer in Franklin County, Ohio.

It is stated that on May 30, 1975, Pominex and Federal entered into a Natural Gas Development and Purchase Agreement, and under this agreement, Pominex has developed two wells in Coshoc-ton County, Ohio, from which Federal would purchase the proposed volumes of gas to be transported. It is further stated that Federal has agreed to take-or-pay 30,000 Mcf of gas per month for a term of five years from the date of first delivery. Federal would only be required to pay only for that amount of gas actually available for delivery by Pominex in any month if such volume is less than 30,000 Mcf, it is said.

It is indicated that the gas produced from these 2 wells has never been sold in interstate commerce and that it would not be made available to the interstate market due to the availability of intrastate markets at intrastate prices.

Applicant states that Federal would purchase the gas from Pominex at \$1.75 per Mcf for the first year after the first delivery date and \$1.8725 per Mcf for the second year. It is indicated that Pominex would need to construct approximately 3.5 miles of pipeline and gathering line with appurtenant facilities at a cost of approximately \$75,000 in order to deliver the gas into Applicant's line. It is stated that Federal has agreed to pay 15.0 cents per Mcf for all gas delivered to its facility at Columbus, Ohio for the first four years after first delivery date and 10.0 cents thereafter in order to amortize this cost. Applicant states that it would not be required to construct any additional facilities to perform the proposed transportation service.

Applicant states that its transportation charge for this service would be its average systemwide unit gathering, storage and transmission costs exclusive of company-use and unaccounted-for gas, which is 24.75 cents per Mcf effective November 1, 1976, and Applicant would retain for company-use and unaccounted-for gas a percentage of the total volumes received for the account of Federal, which percentage is currently 3.1 percent.

It is indicated that the gas proposed to be transported is subject to diversion to Applicant in emergency periods when, in Applicant's sole judgment, such gas is required for the protection of its Priority 1 requirements on its system.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 2, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-12059 Filed 4-26-77; 8:45 am]

[Docket No. CP77-204]

COLUMBIA GAS TRANSMISSION CORP.

Application

APRIL 20, 1977.

Take notice that on April 11, 1977, Columbia Gas Transmission Corporation (Applicant), 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314, filed in Docket No. CP77-204 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity and § 2.79 of the Commission's General Policy and Interpretations (18 CFR 2.79) authorizing the transportation of natural gas for Robert P. Shreve, Superintendent of Mahoning County Schools and Agent for Mahoning County Joint Vocation School District, West Branch Local School District, Sebring Local School District, South Range Local School District, Canfield Local School District, Columbiana

Exempted Village School District, Cambridge City School District, Harrison Hills Local School District, East Guernsey Local School District, Rolling Hills Local School District and Sheffield-Sheffield Lake City School District (Schools), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to transport up to 837 Mcf per day for the period February 19, 1977 to March 25, 1977 for the proposed schools from a mutually agreeable point of receipt in Mahoning County, Ohio, from Mutual Oil and Gas Company (Mutual) for redelivery for the account of Schools to Columbia Gas of Ohio, Inc. (Columbia Ohio), a wholesale customer of Applicant.

Applicant states that Schools were advised by Columbia Ohio on February 1, 1977 that their fuel allocations for the 1976-77 winter season had either been fully utilized or that only maintenance volumes were available to them. Applicant further states that on February 16, 1977 it received temporary authorization in the instant docket to transport up to 752 Mcf of gas per day for Schools, and on February 20, 1977, the Commission amended the authorization to include an additional 85 Mcf of gas per day for Sheffield-Sheffield Lake School District, which has been excluded through inadvertence from the original request. Applicant indicates that the proposed service commenced on February 19, 1977 and discontinued on March 25, 1977, at the request of the Schools.

Applicant states that it would transport up to 837 Mcf per day for the schools, and the gas so transported would be received into Applicant's Line V-W11449 in Milton Township, Mahoning County, Ohio and would be redelivered at existing points of delivery to Columbia Ohio. Columbia Ohio would make the subject gas available to the Schools through existing distribution facilities.

It is stated that Mutual has contracted to sell to Schools gas produced from a well located in Berling Township, Mahoning County, Ohio, for a term of 50 days following the first delivery date, and Schools would pay Mutual \$2.13 per Mcf for such gas.

Applicant states that it has available pipeline capacity, without the construction of additional facilities, to perform the proposed transportation service. Applicant indicates that its transportation charge for this service would be its average system-wide unit gathering, storage and transmission costs, exclusive of company-use and unaccounted-for gas, which is 24.75 cents per Mcf effective November 1, 1976, and Applicant would retain for company-use and unaccounted-for gas a percentage of the total volumes received for the account of Schools, which percentage is currently 3.1 percent.

It is stated that the natural gas which Schools would purchase from Mutual is not available to the interstate market. It is asserted that the gas proposed to

be transported would supply the curtailed volumes which Schools is experiencing in its Priority 2 uses.

The gas proposed to be transported is subject to diversion to Applicant in emergency periods when in Applicant's sole judgment, such gas is required for the protection of Priority 1 requirements on its system.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 2, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-12058 Filed 4-26-77; 8:45 am]

[Docket No. CP72-189]

COLUMBIA GULF TRANSMISSION CO.

Tariff Filings

APRIL 20, 1977.

Take notice that on April 15, 1977, Columbia Gulf Transmission Company (Columbia Gulf) tendered for filing tariff sheets to its FPC Gas Tariff, Original Volume No. 2, consisting of the following:

Second Revised Sheet Numbers 62, 63, 70, 71 and 74 Superseding First Revised Sheet Numbers 62, 63, 70, 71 and 74.

Third Revised Sheet Number 72 and 73 Superseding Second Revised Sheet Numbers 72 and 73.

First Revised Sheet Numbers 80, 81, 89 and 90 Superseding Original Sheet Numbers 80, 81, 89 and 90.

Columbia Gulf inadvertently revised the tariff sheets in Rate Schedule X-9 when it should have revised the tariff sheets in Rate Schedule X-10 in its FPC Gas Tariff, Original Volume No. 2. This filing is being made to correct that error.

The enclosed filing is being made in compliance with the Commission's order issued June 11, 1976 in Docket No. CP72-189 with a proposed effective date of May 11, 1977.

Any person desiring to be heard or to make any protest with reference to said application, on or before May 6, 1977, should file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMBS,
Secretary.

[FR Doc. 77-12064 Filed 4-26-77; 8:45 am]

[Docket No. CP77-195]

COLUMBIA GAS TRANSMISSION CORP.
Application

APRIL 19, 1977.

Take notice that on April 4, 1977, Columbia Gas Transmission Corporation (Applicant), 1700 MacCorkle Avenue, SE., Charleston, West Virginia 25314, filed in Docket No. CP77-195 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of up to 1,000 Mcf of natural gas per day for Empire-Detroit Steel Division of Cyclops Corporation (Empire), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to transport up to 1,000 Mcf of natural gas per day for Empire, which volumes would be received by Applicant into its Line L-2240 in Richland County, Ohio, at a specific point to be mutually agreed upon, and Applicant would redeliver the gas to Columbia Gas of Ohio, Inc. (Columbia Ohio), a wholesale customer of Columbia, at an existing point of delivery near Mansfield, Ohio. The proposed transportation service is for a period of 2 years.

Applicant states that Empire was advised by Columbia Ohio on February 1, 1977, that its curtailment for non-substitutable industrial process gas was increased to 85 percent, and Empire estimated that its shortfall in process gas through March 31, 1977, would be 11,062 Mcf of natural gas per day. Applicant indicates that it was granted temporary authorization on February 11, 1977, in

the instant docket to transport up to 1,000 Mcf of natural gas per day for Empire.

Applicant states that Empire's Mansfield plant produces about 75,000 ingot tons of steel per month which is manufactured in flat rolled steel products, and the gas proposed to be transported is for process uses in the operation of slab heating furnaces, cold mill annealing furnaces, cold mill inert gas generator and melt shop ladle, heating and stopper rod furnace. Applicant asserts that in these processes used oil cannot be substituted because of its potentially harmful effects on the steel being processed. Empire employs approximately 1,300 people in the Mansfield area and is the third largest employer in Richland County, Ohio, it is said.

Applicant further states that all of the gas to be transported would be produced from wells owned by Empire in Monroe Township, Richland County, Ohio, and Empire has affirmed that none of the gas produced from these wells has ever been sold in interstate commerce.

Applicant indicates that it would use its existing facilities to render the proposed transportation services. Applicant states that it would charge Empire its average system-wide unit storage and transmission costs exclusive of company-use and unaccounted for gas, which is 22.21 cents per Mcf effective November 1, 1976, and would retain for company-use and unaccounted-for gas a percentage of the total volumes received for the account of Empire which percentage is currently 3.1 percent.

It is stated that the gas proposed to be transported is subject to diversion to Applicant in emergency periods when, in Applicant's sole judgment, such gas is required for the protection of Priority 1 requirements on its system.

Applicant asserts that the gas proposed to be transported would supply the curtailed volumes which Empire is experiencing in its "high priority" uses.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 9, 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. PLUMBS,
Secretary.

[FR Doc. 77-12070 Filed 4-26-77; 8:45 am]

[Docket No. CP77-329]

DELMARVA POWER AND LIGHT CO.
Application

APRIL 19, 1977.

Take notice that on April 5, 1977, Delmarva Power & Light Company (Applicant), a customer of Transcontinental Gas Pipe Line Corporation (Transco), 800 King Street, Wilmington, Delaware 19899, filed in Docket No. CP77-329 an application pursuant to Section 3 of the Natural Gas Act for authorization to import up to 225,000 Mcf of vaporous equivalent of liquefied natural gas (LNG) from Montreal, Canada, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to import 225,000 Mcf vaporous equivalent of LNG during the months of May through November 1977, from Montreal, Canada to its LNG storage facility located in Wilmington, Delaware. Applicant states that the LNG which it proposes to import would be purchased from Gaz Metropolitan, Inc. (Gaz Metro) of Montreal, Canada. Gaz Metro would sell the LNG to Applicant at the point of loading into trucks at its Montreal storage facility and the LNG would be transported to Applicant's storage facility in Wilmington, Delaware, by cryogenic semitrailer tanker trucks owned or operated by Gas Incorporated (Gas Inc.), a motor common carrier of Lowell, Massachusetts, it is said. Applicant states it would pay Gaz Metro \$2.60 per Mcf equivalent for all LNG delivered during the months of May through October 1977, and \$2.80 per Mcf equivalent LNG during the month of November, 1977. Applicant states it would pay Gas Inc. approximately \$1.32 per Mcf equivalent to transport this LNG from Montreal to Wilmington. Applicant asserts that no new or additional facilities are necessary to effectuate this importation of LNG.

Applicant indicates that the proposed importation of 225,000 Mcf vaporous equivalent of LNG would be purchased from Gaz Metro during 1977 and would be delivered to Applicant during the following months:

	<i>In thousands of cubic feet</i>
May	50,000
June	50,000
July	50,000
October	25,000
November	50,000

Applicant indicates that it relies upon Transco for its entire supply of pipeline-delivered natural gas, and that during this past winter season the severe levels of curtailment experienced on the Transco system together with the abnormally cold weather prevailing in Applicant's service area required Applicant to curtail service to many of its high-priority commercial and industrial customers and resulted in unemployment and great hardship to the consuming public. Applicant asserts that it desires to take the steps and actions now which would help to avoid curtailment of these high-priority requirements next winter, and that the LNG to be imported and purchased from Gas Metro and placed in Applicant's storage facilities is such a step. Applicant further states that all the volumes of LNG proposed to be imported would be used only to serve high-priority requirements.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 9, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 77-12068 Filed 4-26-77; 8:45 am]

[Docket No. R-478]

EL PASO NATURAL GAS CO.

Report of Intended Disposition of Refunds

APRIL 19, 1977.

Take notice that on March 4, 1977, El Paso Natural Gas Company ("El Paso") tendered for filing and acceptance its report of intended disposition of refunds received in compliance with ordering paragraph (D) of the Commission's Opinion No. 749, as amended, issued December 31, 1975.¹

¹ On January 13, 1977, El Paso filed a motion to extend the date for submitting its plan for flow-through of refunds as required by Opinion No. 749, as amended by Opinion No. 749-C, from January 15, 1977, to March 1, 1977. By order issued January 27, 1977, at Docket No. R-478, the Commission granted such motion. Due to the then-pending final resolution of certain aspects herein, El Paso was unable to file on March 1, and therefore, hereby respectfully requests that this submittal be accepted for filing out of time.

El Paso states that the instant report pertains to producer-supplier refunds received by El Paso pursuant to Opinion No. 749 aggregating \$25,471,247.49, inclusive of interest and applicable to purchases made during the period March 14, 1972, through September 30, 1976. Of such amount, \$25,435,871.40 is applicable to El Paso's current interstate system operations and \$35,376.09 is applicable to El Paso's former Northwest Division System operations.²

El Paso further states that, as to its interstate system, the intended disposition of the portion of the above \$25,435,871.40 to its jurisdictional customers entitled thereto is consistent with the direct flow through procedure as provided under Article XIV of the order issued February 16, 1977, at Docket Nos. RP72-150, et al. Included as a part of the intended disposition of refunds to El Paso's interstate system jurisdictional customers entitled thereto is the payment of additional interest by El Paso, computed in accordance with the provisions of said Stipulation and Agreement approved at Docket Nos. RP72-150, et al.³ With respect to the \$35,376.09 in producer-supplier refunds applicable to El Paso former Northwest Division System, El Paso proposes to refund such amount to Northwest for crediting to Northwest's Account 191. Unrecovered Purchased Gas Cost, in accordance with the provisions of the Stipulations and Agreements approved at Docket Nos. RP71-14, et al, and Docket No. RP73-109.⁴

El Paso states that it proposes to flow through the subject refund amounts to those customers entitled thereto on April 1, 1977, or immediately thereafter upon Commission approval of the instant filing.

Additionally, El Paso states that currently effective Section 19 of its FPC Gas Tariff, Original Volume No. 1, provides that refunds received from producer-suppliers applicable to the period subsequent to August 13, 1972, shall be recorded as a credit to Account 191. Unrecovered Purchase Gas Cost.⁵ However, under Article XIV of the Stipulation and Agreement approved at Docket Nos. RP72-150, et al., provision is made for

² On September 21, 1973, the Commission granted approval at Docket Nos. CP74-14, et al., permitting El Paso to abandon the Northwest Division System properties and authorizing Northwest Pipeline Corporation ("Northwest") to acquire such properties. Divestiture of El Paso's Northwest Division System properties to Northwest was consummated as of January 31, 1974.

³ Also included in the intended disposition of refunds received is the flow through, inclusive of additional interest, to certain of El Paso's interstate system direct industrial customers whose sales agreements are "keyed" to the refund requirements of El Paso's interstate system jurisdictional customers.

⁴ Northwest has advised El Paso that Northwest and its customers have agreed that refunds attributable to Opinion No. 749 will be credited to FPC Account 191 and are therefore agreeable to crediting Northwest's Account 191 with the subject refund amounts from El Paso.

⁵ See Section 19.7(c) of El Paso's Original Volume No. 1 tariff.

El Paso to make a cash refund to its jurisdictional customers, in lieu of crediting such refunds to Account 191, if El Paso received from its producer-suppliers within any 120 day interval refunds aggregating \$10 million or more as a result of a single Commission order. To implement such procedure, said Stipulation and Agreement contains appropriate revisions to Section 19 of El Paso's currently effective FPC Gas Tariff. In view of these circumstances, El Paso has requested that the Commission grant waiver of currently effective Section 19.7 (c) of El Paso's Original Volume No. 1 tariff in order to permit the direct cash flow through of the producer-supplier refunds as described herein.

El Paso states that a copy of the instant filing has been served upon each of El Paso's current interstate system affected customers and interested state regulatory commissions, as required by ordering paragraph (D) of Opinion No. 749, as amended. Further, El Paso states that copies, together with only the attachments applicable to El Paso's former Northwest Division System, have been served on Northwest Pipeline Corporation, El Paso's former Northwest Division System customers and interested state regulatory commissions.

Any person desiring to be heard or to make any protest with reference to this filing should, on or before April 29, 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. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 77-12074 Filed 4-26-77; 8:45 am]

[Docket No. E-9574]

FLORIDA POWER AND LIGHT CO. Amendment to Application

APRIL 19, 1977.

Take notice that on April 12, 1977, Florida Power and Light Company ("FP&L") pursuant to Section 203 of the Federal Power Act and Sections 1.7 and 1.11 of the Federal Power Commission's ("Commission") Rules of Practice and Procedure, submitted an amendment to its application filed November 26, 1976 in Docket No. E-9574.

On November 26, 1976, FP&L filed an application for an order authorizing the purchase by FP&L of the electric system of the City of Vero Beach, Florida (Vero Beach). As part of its application, FP&L attached as Exhibit L its Offer to Pur-

chase submitted to Vero Beach dated May 27, 1976, with Addenda dated July 22, 1976 and July 23, 1976 and Vero Beach resolutions. Subsequently, FP&L and Vero Beach have entered into a new contract which supersedes the Offer to Purchase, as amended, and the Memorandum of Understanding dated November 16, 1976 (Exhibit L to FP&L's Application). The new contract incorporates several modifications, eliminates certain clauses and provisions which, through the passage of time, became obsolete, and changes the language in the Offer to Purchase, as amended, to affirmative contract terms. The original contract had an expiration date of March 31, 1977. The new contract, which became effective March 29, 1977, extends the date of acquisition to occur within 45 days of the Commission's order in Docket No. E-9574 or by November 30, 1977, whichever occurs first.

Any person desiring to be heard or to make any protest with reference to said amendment should, on or before May 16, 1977, file with the Federal Power Commission, Washington, D.C., 20426, petitions or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing must file petitions to intervene in accordance with the Commission's Rules. The amendment is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-12075 Filed 4-26-77;8:45 am]

[Docket No. ER77-290]

INDIANAPOLIS POWER & LIGHT CO.
Changes in Rates and Charges

APRIL 19, 1977.

Take notice that Indianapolis Power & Light Company (Indianapolis Company) on April 7, 1977, tendered for filing the Sixth Supplemental Agreement dated as of June 1, 1976, to the Interconnection Agreement dated May 1, 1962, as amended, between Indianapolis Company and Public Service Company of Indiana, Inc. (Service Company), designated Indianapolis Rate Schedule FPC No. 2.

Indianapolis Company indicates that the Sixth Supplemental Agreement (1) establishes a new delivery point known as the Carmel Tap Point for the supply of power by Indianapolis Company to Service Company for resale to ultimate consumers of Service Company served from its Carmel Substation; (2) delineates the respective responsibilities of the parties as to the facilities necessary to establish the Carmel Tap Point; (3) compensates Indianapolis Company for losses; (4) provides for a demand charge

of 45 cents per kilowatt month and a maximum demand on Indianapolis Company's system of 50 megawatts; and (5) limits the duration of the Carmel Tap Point to five (5) years without further agreement of the parties.

Indianapolis also indicates that the Sixth Supplemental Agreement also includes within the 1962 Agreement, the existing Whitestown Interconnection Point established by a Facilities Agreement dated April 24, 1968 among Indianapolis Company, Service Company and Indiana & Michigan Electric Company, a copy of which was made a part of this filing.

Waiver of any requirements of Section 35.13 of Commission's Regulations under the Federal Power Act not already complied with is requested. It is further requested that the Sixth Supplemental Agreement become effective June 1, 1977.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedures (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 27, 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.77-12072 Filed 4-26-77;8:45 am]

[Docket No. ES77-29]

IOWA ELECTRIC LIGHT AND POWER CO.
Application

APRIL 19, 1977.

Take notice that on April 11, 1977 the Iowa Electric Light and Power Company (Applicant) filed an application pursuant to Section 204 of the Federal Power Act with the Federal Power Commission seeking authority to issue and sell at competitive bidding 1,000,000 shares of Common Stock.

Applicant is incorporated under the laws of the State of Iowa and is authorized to do business in the States of Iowa, Minnesota, Colorado and Nebraska with its principal business office at Cedar Rapids, Iowa. Applicant is engaged primarily in the generation, transmission and sale at retail of electric energy in 55 counties in the state of Iowa.

The Common Stock is to be issued on approximately June 23, 1977. The Common Stock is subject to the prior rights and preferences of the existing outstanding classes of Cumulative Preferred Stock and to the prior rights and preferences of the existing outstanding classes of Cumulative Preference Stock. The price to the Company for the Common Stock

will be determined by competitive bidding on the basis of the person or persons offering the highest price to the Company.

According to the Applicant, the purpose for which the Common Stock is to be issued is for the Company's continuing construction program and for repayment of outstanding commercial paper which as of February 28, 1977 aggregated \$13,500,000.

Any person desiring to be heard or to make protest with reference to this Application should on or before May 6, 1977 file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The Application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-12067 Filed 4-26-77;8:45 am]

[Docket No. ER76-249]

LAKE SUPERIOR DISTRICT POWER CO.
Order Accepting for Filing and Making Effective Revised Fuel Adjustment Clause and Denying Waiver

APRIL 15, 1977.

Electric Rates: Acceptance for Filing. On December 29, 1976 (completed on March 18, 1977), Lake Superior District Power Company (LSDP) tendered for filing a revised fuel adjustment clause applicable to LSDP's contract for electric service with North Central Power Co., Inc. (NCP).¹ LSDP requests waiver of the Commission's notice requirements and an effective date of January 1, 1977.

The proposed revised fuel adjustment clause provides for a .001¢/kWh adjustment for each .001¢ increase or decrease in the current month's fuel cost from the base cost of fuel of 5.04 mils/kWh. Implementation of the proposed fuel clause would result in a \$19,241 increase in charges to NCP for the 12 month period ending December 31, 1977.

Our review of the proposed fuel adjustment clause indicates that it has been derived in conformance with the requirements of Order No. 517. The increase in revenue collected under the proposed clause is due to the inclusion of fuel costs associated with purchased power, the net energy cost of purchases made on an economic dispatch basis, and fuel costs associated with intersystem sales. In addition, the fuel clause has been revised to

¹ Designated as: Lake Superior District Power Company, Supplement No. 1 to Rate Schedule FPC No. 21.

reflect the cost of fuel in the month immediately preceding the billing month instead of the 12 month moving average fuel cost used in the present clause.

By letter dated December 29, 1976, NCP requested that the Commission defer the implementation of LSDP's proposed fuel adjustment clause until NCP receives a rate order from the Public Service Commission of Wisconsin concerning its general retail rate increase² which would allow NCP to pass through fuel costs and purchased power costs to its retail customer.

As the present contract with NCP already contains a fuel adjustment clause, and since action on an automatic adjustment clause for NCP's retail customers is forthcoming, deferral of the effectiveness of the revised fuel clause until the Wisconsin Commission issues an order is not warranted.

In light of the foregoing, we shall accept for filing the revised fuel adjustment clause in Supplement No. 1 to Rate Schedule FPC No. 21, to become effective April 18, 1977.

The Commission finds: (1) Good cause has not been shown to warrant waiver of the prior notice requirements so as to permit an effective date of January 1, 1977.

(2) Good cause exists to accept LSDP's revised fuel adjustment clause, as described above, with an effective date of April 18, 1977.

The Commission orders: (A) LSDP's request for waiver of the prior notice requirement is hereby denied.

(B) The proposed revised fuel adjustment clause, Supplement No. 1 to Rate Schedule FPC No. 21, is hereby accepted for filing to become effective April 18, 1977.

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

By the Commission.

KENNETH F. PLUMB,
Secretary

[FR Doc.77-12066 Filed 4-26-77;8:45 am]

[Docket No. RI77-59]

MARTIN EXPLORATION CO.
Petition for Special Relief

APRIL 20, 1977.

Take notice that on April 12, 1977, Martin Exploration Company (Petitioner), 3501 North Causeway Boulevard, Suite 901, Metairie, Louisiana 70002, filed a petition for special relief in Docket No. RI77-59, pursuant to Commission Order No. 481.

Petitioner seeks authorization to charge \$2.08 per Mcf for gas sold to Transcontinental Gas Pipeline Corporation from Martin Well No. 2, Lac Des

² On November 16, 1976, a public hearing was held before the Public Service Commission of Wisconsin, Docket No. 4190-ER-1 wherein NEP requested a 22% general rate increase in retail rates as well as an energy adjustment clause.

Allemands Field, St. John the Baptist and St. Charles Parish, Louisiana. Petitioner proposes to reenter and rework Martin No. 2 Well in order to restore production. Petitioner states that unless the requested increase from \$.35 per Mcf to \$2.08 per Mcf is granted further production would be uneconomical.

Any person desiring to be heard or to make any protest with reference to said petition should on or before May 15, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 C.F.R. 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-12061 Filed 4-26-77;8:45 am]

[Docket No. ER77-304]

MISSISSIPPI POWER & LIGHT CO.
Proposed Purchase Agreement

APRIL 20, 1977.

Take notice that on April 13, 1977, Mississippi Power & Light Company (MP&L) tendered for filing an Agreement for Purchase of Power between MP&L and the Southwest Mississippi Electric Power Association at Peetsville, Mississippi in substitution for an unexecuted Agreement for Purchase of Power filed on November 10, 1976 and accepted for filing on January 17, 1977, in Docket No. ER77-49 which became effective on September 21, 1976, the date of initiation of service.

MP&L states that its Rate Schedule REA-14 (Revised) incorporated therein was heretofore filed with the Commission on October 26, 1976, in Docket No. ER77-830 and is the currently effective tariff for service to its electric power associations pending action of the Commission in Docket No. ER76-830.

MP&L requests that the executed agreements be made effective May 13, 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, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 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. Copies of this filing

are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-12062 Filed 2-26-77;8:45 am]

[Docket No. ER77-297]

**PUBLIC SERVICE COMPANY OF
NEW MEXICO**

Supplement to Interconnection Agreement

APRIL 20, 1977.

Take notice that on April 12, 1977, Public Service Company of New Mexico (PNM) tendered for filing three new Service Schedules to the Master Interconnection Agreement between PNM and Plains Electric Generation and Transmission Cooperative, Inc. (Plains), and designated PNM Rate Schedule FPC No. 31. The Service Schedules provide for wheeling services for both parties and the interchange of economy energy.

PNM requests waiver of the notice requirements pursuant to § 35.11 of the Commission's regulations so that two of the Service Schedules, Schedule D and Service Schedule F may become effective as of May 1, 1977 and February 28, 1977, respectively. PNM states that the proposed rates have been agreed upon by the parties and that copies of the filing have been mailed to Plains and to the New Mexico Public Service Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 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 May 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 proceedings. 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.77-12063 Filed 4-26-77;8:45 am]

[Docket No. CP77-323]

**SOUTH TEXAS NATURAL GAS
GATHERING CO.**

Application

APRIL 19, 1977.

Take notice that on March 29, 1977, South Texas Natural Gas Gathering Company (Applicant), Five Greenway Plaza East, Houston, Texas 77046, filed in Docket No. CP77-323 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon 7,000 horsepower of compression facilities located in three stations on its system, all as more fully set forth in

[Docket No. CP77-321]

SOUTHERN NATURAL GAS CO.

Application

APRIL 20, 1977.

Take notice that on April 8, 1977, Southern Natural Gas Company (Applicant), P.O. Box 2563, Birmingham, Alabama 35202, filed in Docket No. CP77-321 an application pursuant to Section 7 of the Natural Gas Act so to authorize the transportation of up to 3,000 Mcf of natural gas per day at 15.025 psia for Transcontinental Gas Pipe Line Corporation (Transco), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it has been informed by Transco that it has purchased certain gas production from State Lease 6469 Well No. 1 located in the Loisel Area, Iberia Parish, Louisiana, and is obligated to transport certain other gas production from the well as agent and representative for the owners of certain working interests therein.

Applicant states it would accept the subject gas at the inlet side of its meter located at Applicant's Fish Island Receiving Station, Iberia Parish, Louisiana, from Transco and would transport and deliver or cause to be delivered an equivalent volume of gas, less 3½ percent for fuel and company used and unaccounted for volumes and adjusted for differences in Btu content, to an existing point of interconnection between the respective systems of Applicant and Transco near Jonesboro, Georgia.

Applicant asserts that the proposed transportation and delivery is to the benefit of Transco's customers. Applicant states that the service proposed to be rendered by Applicant is subject to partial or total interruption from time to time and for such periods as Applicant deems operating conditions require. Applicant indicates that it would utilize its existing facilities to render the proposed transportation service.

It is stated that Transco would pay Applicant during each month a transportation charge as follows:

(1) A Demand Charge: Fixed amount per month for the operation and maintenance of metering facilities at the delivery point, \$90.00.

(2) A Commodity Charge: Per 1,000 cubic feet at 14.73 psia of gas redelivered at the redelivery point, 29.2 cents.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 15, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the

protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMS,
Secretary.

[FR Doc.77-12065 Filed 4-26-77;8:45 am]

[Docket No. CP77-303]

SOUTHWEST GAS CORP.

Application

APRIL 19, 1977.

Take notice that on March 16, 1977,¹ Southwest Gas Corporation (Applicant), P.O. Box 15015, Las Vegas, Nevada 89114, filed in Docket No. CP77-303 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 tap and appurtenant facilities at Kingsbury Grade and at Incline Village, Nevada, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate a minor tap and appurtenant facilities at Kingsbury Grade on the South Tahoe Lateral of Applicant's Northern Nevada Transmission System, and at Incline Village on the North Tahoe Lateral of Applicant's Northern Nevada Transmission System to enable Applicant to deliver volumes of gas to its Priority 1 residential users in four residential duplex units at Kingsbury Grade and in one residential unit at Incline Village. Applicant states that the volumes of gas for delivery to each residential unit would be approximately .45 Mcf of natural gas per average day; peak day requirements would be approximately 1.26

¹ The application was initially tendered for filing on March 16, 1977; however, the fee required by Section 159.1 of the regulations under the Natural Gas Act (18 CFR 159.1) was not paid until April 11, 1977; thus, filing was not completed until the latter date.

the application which is on file with the Commission and open to public inspection.

Applicant states that pursuant to the Commission's order of August 19, 1976 in Docket No. RP75-61 it was required to review its compression facilities in order to determine if all of such facilities are needed. Applicant further states that pursuant to the Commission's order issued in said docket it has concluded a review of its compression facilities and determined that the following compression facilities are no longer required to transport and deliver the available gas supplies on Applicant's system:

Two 1,000-horsepower Compressors at Thompsonville Station in Jim Hogg County, Texas.

One 4,000-horsepower Compressor at Freer Station in Webb County, Texas.

One 1,000-horsepower Compressor at Kelsey Station in Brooks County, Texas.

Applicant indicates that the cost to abandon these facilities is minimal. Applicant states that none of these compressors have been in service for the last two years.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 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.

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 permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMS,
Secretary.

[FR Doc.77-12073 Filed 4-26-77;8:45 am]

Mcf of natural gas per day; and annual deliveries would reach approximately 167 Mcf of natural gas. Applicant further states that it has adequate capacity in its pipeline facilities to make the deliveries.

The estimated cost of the proposed facilities would be approximately \$325 at Incline Village and \$3,134 at Kingsbury Grade which would be financed through an advance made to Applicant by the developer.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 9, 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.77-12069 Filed 4-26-77;8:45 am]

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Receipt of Report Proposal

The following request for clearance of a report intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on April 21, 1977. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this notice in the Federal Register is to inform the public of such receipt.

The notice includes the title of the request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if

applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed FC requests are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed request, comments (in triplicate) must be received on or before May 16, 1977, and should be addressed to Mr. John M. Lovelady, Acting Assistant Director, Regulatory Reports Review, United States General Accounting Office, Room 5033, 441 G Street, NW, Washington, DC 20548.

Further information may be obtained from Patsy J. Stuart of the regulatory Reports Review Staff, 202-275-3532.

FEDERAL COMMUNICATIONS COMMISSION

FCC is requesting clearance of a new Request For Supplemental Data For Application License On Domestic Satellite Earth Station For Applicant Whose Program Uses Small Disk Antenna. FCC Report and Order 76-1169 authorizes the use of small diameter satellite earth station antennas (down to 4.5 meters) provided applicant provides required certain supplemental data in its application to demonstrate that acceptable objectives can be achieved by their proposed facilities. Potential respondents are cable television operators and FCC estimates respondent burden to be 16 hours per response.

NORMAN F. HEYL,

Regulatory Reports Review Officer.

[FR Doc.77-12055 Filed 4-26-77;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institutes of Health

CANCER CONTROL AND REHABILITATION ADVISORY COMMITTEE

Amended Notice of Meeting

Notice is hereby given of a change in the meeting on May 3-4, 1977, from 9 a.m. to adjournment, National Institutes of Health, Building 31C, Conference Room 7, of the Cancer Control and Rehabilitation Advisory Committee, National Cancer Institute, which was published in the FEDERAL REGISTER on April 13, 1977, (42 FR 19402.)

This meeting was to have convened for two days starting at 9 a.m. on May 3-4, 1977, National Institutes of Health, Building 31C, Conference Room 7, but has been changed to one day only, May 3, 1977, starting at 9 a.m. to adjournment at the same location.

The meeting will be open to the public on May 3, 1977, 9 a.m. to adjournment. Attendance by the public will be limited to space available.

Dated: April 20, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.77-12025 Filed 4-26-77;8:45 am]

CANCER TREATMENT DIVISION, CLINICAL INVESTIGATIONS BRANCH, COOPERATIVE GROUP CHAIRMEN

Meeting

Notice is hereby given of the Cooperative Group Chairmen Meeting of the Clinical Investigations Branch, Division of Cancer Treatment, National Cancer Institute, June 14, 1977, Building 31, C Wing, Conference Room 8, Bethesda, Maryland 20014.

This meeting will be open to the public from 9 a.m. to adjournment, to discuss and review cooperative group clinical, operational, and procedural activities. Attendance by the public will be limited to space available.

For additional information, please contact Dr. Hugh L. Davis, Jr., Special Assistant for the Clinical Investigations Branch, Division of Cancer Treatment, National Cancer Institute, National Institutes of Health, Room 114, Blair Building, Bethesda, Maryland 20014, 301-427-8097.

Dated: April 18, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of
Health.

[FR Doc.77-12032 Filed 4-26-77;8:45 am]

CLEARINGHOUSE ON ENVIRONMENTAL CARCINOGENS, DATA EVALUATION SUBGROUP

Meeting

Notice is hereby given of a change in the meeting of the Data Evaluation Subgroup of the Clearinghouse on Environmental Carcinogens, National Cancer Institute, May 31, 1977, which was published in the FEDERAL REGISTER on April 13, 1977 (42 FR 19402).

The Data Evaluation Subgroup and the Risk Assessment Subgroup of the Clearinghouse will meet in joint session on May 31, 1977, in Building 31C, Conference Room 6, National Institutes of Health, Bethesda, Maryland. The entire meeting will be open to the public from 8:30 a.m. to adjournment to consider criteria for data evaluation and risk assessment and review bioassay reports. Attendance by the public will be limited to space available.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 4B43, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5708) will furnish summaries of the meeting and roster of committee members, upon request. Dr. James M. Sontag, Executive Secretary, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5108) will furnish substantive program information.

Dated: April 20, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of
Health.

[FR Doc.77-12030 Filed 4-26-77;8:45 am]

**CLINICAL TRIALS REVIEW COMMITTEE,
NATIONAL HEART, LUNG, AND BLOOD
INSTITUTE**

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Clinical Trials Review Committee, National Heart, Lung, and Blood Institute, May 23-25, 1977, in Building 1, Wilson Hall, National Institutes of Health, Bethesda, Maryland.

This meeting will be open to the public from 8:30 a.m. to 9 a.m. on May 23, 1977, to discuss administrative details and to hear a report concerning the current status of the National Heart, Lung, and Blood Institute.

In accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on May 23, 1977 from 9 a.m. to adjournment and from 8:30 a.m. to adjournment on May 24, and 25, 1977, for the review, discussion and evaluation of individual contract proposals. These proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the proposals.

Mr. York Onnen, Chief, Public Inquiries and Reports Branch, NHLBI, National Institutes of Health, Building 31, Room 5A03, phone 301-496-4236, will provide summaries of the meeting and rosters of the committee members. Dr. Fred P. Heydrick, Chief, Research Contracts Review Section, Division of Extramural Affairs, NHLBI, Westwood Building, Room 548B, phone 301-496-7363, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.837, National Institutes of Health.)

Dated: April 18, 1977.

SUZANNE L. FREMEAUX,
*Committee Management Officer,
National Institutes of Health.*

[FR Doc. 77-12029 Filed 4-26-77; 8:45 am]

**NATIONAL CANCER INSTITUTE
COMMITTEES**

Renewals

The Director, National Institutes of Health, announces the renewal of charters on April 15, 1977, of the advisory committees, indicated below by the Acting Director, National Cancer Institute, under the authority of section 410 (a) (3) of the Public Health Service Act (42 U.S.C. 286d). Such advisory committees shall be governed by the provisions of the Federal Advisory Committee Act (Pub. L. 92-463) setting forth standards governing the establishment and use of advisory committees.

Name:
Clinical Trials Committee
Combined Modality Committee
Developmental Therapeutics Committee
Drug Development Committee

Purpose: These committees provide advice on the scientific merit of proposals for contracts submitted in the areas of clinical trials, combined modality, developmental therapeutics, and drug development.

Three of the committees will terminate two years from the date of renewal, unless renewed by appropriate action as authorized by law. The Drug Development Committee will terminate on October 1, 1977.

Dated: April 18, 1977.

DONALD S. FREDERICKSON, M.D.,
*Director,
National Institutes of Health.*

[FR Doc. 77-12028 Filed 4-26-77; 8:45 am]

**NATIONAL DIABETES ADVISORY BOARD,
NATIONAL INSTITUTE OF ARTHRITIS,
METABOLISM, AND DIGESTIVE DIS-
EASES**

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of a meeting of the National Diabetes Advisory Board on May 20, 1977, (times below), in Conference Room 4137, in the North Building of Health, Education, and Welfare, at 330 Independence Avenue, Southwest, Washington, D.C.

In addition, the below listed subcommittees of the Board will have meetings from 9 a.m. to 5 p.m. on May 19, Building 31, National Institutes of Health, Bethesda, Maryland: the Board Staffing and Budget Subcommittee will meet in Room 7A24; the Board Structure and Organization Subcommittee will meet in Room 9A51; the Diabetes Program Budget Subcommittee will meet in Room 10A24.

The entire advisory board meeting, which will be open to the public from 9 a.m. to 5 p.m., is being held to discuss the organization and staffing, and to continue its review of the status and implementation of the long-range plan to combat diabetes formulated by the National Commission on Diabetes. The subcommittee meetings will be open to the public 9 a.m. to 5 p.m. Attendance by the public will be limited to space available.

Messrs. James N. Fordham or Leo E. Treacy, Office of Scientific and Technical Reports, NIAMDD, National Institutes of Health, Building 31, Room 9A04, Bethesda, Maryland 20014, 301-496-3583, will provide summaries of the meeting and rosters of the committee members.

(Catalog of Federal Domestic Assistance Program No. 13.847, National Institutes of Health.)

Dated: April 20, 1977.

SUZANNE L. FREMEAUX,
*Committee Management Officer,
National Institutes of Health.*

[FR Doc. 77-12028 Filed 4-26-77; 8:45 am]

MAMMALIAN CELL LINES COMMITTEE

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Mam-

malian Cell Lines Committee, National Institute of General Medical Sciences on June 14-15, 1977, 1 p.m., Conference Room 4, Building 31A, National Institutes of Health, Bethesda, Maryland.

This meeting will be open to the public on June 14 to discuss procedural matters and issues relevant to the Genetics Program. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Title 5, U.S. Code 552b(c)(4) and 552b(c)(6), the meeting will be closed to the public on June 15 from 9 a.m. until adjournment for the review, discussion, and evaluation of institutional grant applications. These applications could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications.

Mr. Paul Deming, Research Reports Officer, NIGMS, Westwood Building, Room 9A05, Bethesda, Maryland 20014, Telephone 301-496-7301, will furnish summary minutes of the meeting and a roster of committee members.

Dr. Michael I. Goldberg, Executive Secretary, Mammalian Cell Lines Committee, Westwood Building, Room 910, Telephone 301-496-7175, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program 13-862, General Medical Sciences Genetics Program.)

Dated: April 18, 1977.

SUZANNE L. FREMEAUX,
*Committee Management Officer,
National Institutes of Health.*

[FR Doc. 77-12033 Filed 4-26-77; 8:45 am]

**NATIONAL COMMISSION ON DIGESTIVE
DISEASES**

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Commission on Digestive Diseases, National Institute of Arthritis, Metabolism, and Digestive Diseases on June 1, 1977, Conference Room 6, Building 31, C Wing, National Institutes of Health, Bethesda, Maryland 20014. The entire meeting will be open to the public from 9:30 a.m. to 5 p.m. Attendance by the public will be limited to space available.

The meeting is being held to discuss scheduling of public hearings and logistical support of the Commission, and to establish the work groups who will be carrying out the mission of the Commission.

Messrs. James N. Fordham or Leo E. Treacy, Office of Scientific and Technical Reports, NIAMDD, National Institutes of Health, Building 31, Room 9A-04, Bethesda, Maryland 20014, 301-496-3583, will provide summaries of the meeting and rosters of the Commission members.

(Catalog of Federal Domestic Assistance Program No. 13.484, National Institutes of Health.)

Dated: April 18, 1977.

SUZANNE L. FREMEAUX,
Committee Management Officer,
National Institutes of Health.

[FR Doc. 77-12031 Filed 4-29-77; 8:45 am]

**PRIMATE RESEARCH CENTERS
ADVISORY COMMITTEE**

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Primate Research Centers Advisory Committee, Division of Research Resources, June 15, 1977, Conference Room 7, Bldg. 31, National Institutes of Health, Bethesda, Maryland 20014.

The meeting will be open to the public on June 15 from 9 a.m. to 10:30 a.m., during which time there will be a brief staff presentation on the current status of the Primate Research Centers Program. The Committee will select future meeting dates. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552b(c) (4) and 552b(c) (6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on June 15, from 10:30 a.m. to adjournment for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications.

Mr. James Augustine, Information Officer, Division of Research Resources, National Institutes of Health, Room 5B13, Bldg. 31, National Institutes of Health, Bethesda, Maryland 20014, 301-496-5545, will provide summaries of the meeting and rosters of the Committee members. Dr. Dennis O. Johnsen, Executive Secretary of the Primate Research Centers Advisory Committee, Room 5B55, Bldg. 31, National Institutes of Health, Bethesda, Maryland 20014, 301-496-5175, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Programs No. 13.306, National Institutes of Health.)

Dated: April 18, 1977.

SUZANNE L. FREMEAUX,
Committee Management Officer,
National Institutes of Health.

[FR Doc. 77-12034 Filed 4-29-77; 8:45 am]

**RECOMBINANT DNA MOLECULE
PROGRAM ADVISORY COMMITTEE**

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Recombinant DNA Molecule Program Advisory Committee on May 14-15, 1977, 9 a.m., at the National Institutes of

Health, Building 31C, Conference Room 8, Bethesda, Maryland. This meeting will be open to the public on May 14, from 9 a.m. to 5 p.m., and May 15, from 9 a.m. to 3 p.m. to discuss: guidelines for research involving recombinant DNA molecules, the status of research in the field, research studies required, the mechanisms by which such studies should be supported, and the identification of facilities and resources needed in their performance. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sections 552b(c) (4), and 552b(c) (6), title 5, U.S. Code and section 10 (d) of Pub. L. 92-463, the meeting will be closed to the public on May 15 from 3 p.m. to 5 p.m. for the review, discussion and evaluation of initial pending and renewal grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications.

Dr. William J. Gartland, Executive Secretary, National Institutes of Health, Building 31, Room 4A52, Bethesda, Maryland 20014, telephone 301-496-2323, will provide summaries of the meeting, rosters of committee members and substantive program information.

Dated: April 18, 1977.

SUZANNE L. FREMEAUX,
Committee Management Officer,
National Institutes of Health.

[FR Doc. 77-12027 Filed 4-26-77; 8:45 am]

**Office of Human Development
MODEL PROJECTS ON AGING**

**Announcement of Grants for Fiscal Year
1977 (Program Announcement No.
13634-771)**

The Administration on Aging announces that applications are being accepted from public or non-profit private agencies or organizations for grants in Fiscal Year 1977 under the Model Projects on Aging Program authorized by Title III, section 308 of the Older Americans Act of 1965, as amended (42 U.S.C. 300, 3021-3022, 3028).

All applications received by May 20, 1977, which meet legal requirements for a grant will compete for awards to be announced during July 1977. Applications meeting legal requirements for a grant received between this closing date and the next closing date of July 1, 1977, will compete for awards to be announced during October 1977.

Applications for Model Projects may be submitted at any time and those received after one closing date will be held for the next. Applications received after July 1, 1977, will be considered for funding in Fiscal Year 1978.

The regulations applicable to this program include the Administration on Aging general regulations, 45 CFR Part 901; and the regulations governing Model Projects on Aging, 45 CFR Part 910.

1. *Scope of this Announcement.* This program announcement covers the funding priorities of the Model Projects on Aging for the remainder of the Fiscal Year 1977 grant program, and includes several special emphasis areas.

2. *Program Objectives.* Model Projects on Aging grants authorized by Section 308 of the Act may pay for part or all of the cost of developing or operating state-wide, regional, metropolitan area, county, city, or community model projects which will expand or improve social services, or otherwise promote the well-being of older persons.

The focus is on contributing to the development of comprehensive, coordinated systems for the delivery of quality services, involving all available public and private agencies and resources, which meet the special needs of older persons.

Model Project proposals should seek to test and demonstrate new or improved social service delivery systems, social services, combinations of services, or delivery system supports that have a clear potential for widespread use. Proposals should include means for exchanging information developed by the project and promoting its use.

3. *Eligible Applicants.* Public or non-profit agencies or organizations may apply for grants under this announcement.

In some instances, preference in the award of a grant will be given to a specified class of applicants such as a State agency. These instances are identified in the following chart in the column captioned "Preferred Applicants."

4. *Competition.* It has been the policy of the Administration on Aging to make Model Projects on Aging grants on a competitive basis. In order to help those who might desire to compete for such grants to be aware of the program and of the amounts available it has been decided, effective for the remainder of the Fiscal Year 1977 and for subsequent Fiscal Years, to insert all program announcements in the FEDERAL REGISTER.

5. *Available Funds.* It is anticipated that there will be available for the remainder of the Fiscal Year 1977 \$4 million, for new and competing extension grants. A new grant is the initial grant made in support of a project requested on an application. A competing extension grant is to continue a project beyond the project period for which the grant was made and is awarded based on a successful competition with applicants for new grants.

This program announcement solicits applications for competition which has a closing date for receipt of applications of May 20, 1977 and also for competition which has a closing date for receipt of applications of July 1, 1977.

In Fiscal Year 1976 some 500 applications for Model Projects on Aging grants were accepted for review and consideration. Some \$13.8 million was awarded to 170 grantees.

The amount of funds to be awarded at any time is at the discretion of the Commissioner on Aging who makes the final determination with respect to all grant applications and awards.

6. *Program Priorities for Funding.* The following chart identifies the program priorities for funding of Model Projects on Aging in Fiscal Year 1977 including special emphasis areas, preferred applicants in each category of priority the funds which are available in each category and the number of awards anticipated in each category of priority.

The identification of preferred applicants does not limit the Administration on Aging to funding only preferred applicants. Applications will be judged on their merits and other eligible applicants may apply bearing in mind that all else being equal, awards will go to preferred applicants. In a limited number of cases awards are anticipated only within a restricted class of applicants. In these cases

the notation in the column of preferred applicants lists the preferred class preferred by the word "Only." In order to receive an award, applicants from outside this class must clearly show on their application that it is more advantageous to the government to fund them than the preferred applicant.

The information on funds available for the remainder of Fiscal Year 1977 and the number of awards anticipated does not constitute a commitment by the Administration on Aging but rather is an approximation in anticipation of the competition for grant awards. The Commissioner on Aging reserves the right to determine the number of awards to be made and to fund in excess of or below the amount listed as available.

Program priorities	Preferred applicants	Funds available	Awards anticipated
(a) Service delivery system development: Projects may be supported which test and demonstrate new or improved ways to develop comprehensive, coordinated service delivery systems, involving all available public and private agencies and resources, to meet the special needs of older persons. Areas of interest include planning and priority setting, needs and resource analysis, resource development, interprogram coordination, and advocacy.	State and area agencies on aging.	\$250,000	3
(b) Housing and living arrangements: Projects may be supported which assist in meeting the special housing needs of older persons by: (a) providing financial assistance to low income persons who own their own homes to enable them to make the repairs and renovations necessary for their homes to meet minimum standards; (b) studying and demonstrating methods of adapting existing housing or construction of new for older persons suffering from physical disabilities; (c) demonstrating alternative methods of relieving older persons of the burden of real property taxes on their homes.	None.....	200,000	3
(c) Continuing education: Projects may be supported which provide continuing education to older persons designed to enable them to lead more productive lives by broadening their education, cultural, or social awareness. Special regard may be given to applications for projects which offer free tuition, reduced fees, scholarships, transportation in order to broaden participation of older persons in existing educational programs, or which design both content and delivery systems for broader appeal to the older population, and which take into account those older persons with physical limitations and lack of formal education.	.....do.....	200,000	4
(d) Retirement and education services: Projects may be supported which provide retirement education, information, training of personnel to carry out such programs, and the conducting of research with respect to the development and operation of such programs, to assist persons planning retirement. Special regard may be given to applications for projects which broaden types of organizations through which persons may receive such information and counseling, or expand such information and services beyond formal retirement, or provide concrete linkage of persons of retirement age to cultural, recreational, volunteer, and employment opportunities.	.....do.....	100,000	2
Special emphasis: State-wide projects which support the development of employment of older adults in environmental protection.	State environmental protection agencies.	1,000,000	10
(e) Needs of physically and mentally impaired: Projects may be supported which provide services to assist in meeting the particular needs of physically and mentally impaired older persons. Special regard may be given to applications for projects which provide for better services, or which provide appropriate education for older persons, practitioners, and community organizations in the prevention of loss of hearing and sight.	None.....	200,000	
(f) Ombudsman services for nursing home residents: Projects may be supported which enable the promotion and development of ombudsman services for residents of nursing homes.	.....do.....	100,000	1
Special emphasis: Projects which support the development of nursing home ombudsman service in State governments.	Only State agencies on aging.	300,000	12
(g) Improved services to underserved populations: Projects may be supported which meet the special needs of, and improve the delivery of services to, older persons who are not receiving adequate services under other provisions of the Older Americans Act, with emphasis on the needs of low income, minority, Indian and limited English-speaking individuals, and the rural elderly.	None.....	250,000	6
(h) Senior ambulatory care day centers: Projects may be supported which assist older persons to remain within their communities and out of institutions, and to maintain their independent living by: (a) providing financial assistance for the establishment and operation of senior ambulatory care day centers, and (b) maintaining or initiating arrangements, or providing reasonable assurances that such arrangements will be maintained or initiated, with the agency of the State concerned which administers or supervises the administration of a State plan approved under title XIX of the Social Security Act, and with other appropriate social service agencies receiving, or reimbursed through, Federal financial assistance, for the payment of all or a part of such center's costs in providing services to eligible persons. To be supported, an ambulatory care day center must provide a planned schedule of health, therapeutic, educational, nutritional, recreational, and social services at least 24 h/week, transportation arrangements at low or no cost for participants to and from the center, a hot, mid-day meal, outreach and public information programs and opportunities for maximum participation of senior participants and senior volunteers in the planning and operation of such centers.	.....do.....	400,000	4

Program priorities	Preferred applicants	Funds available	Awards anticipated
(j) Legal services: Projects may be supported which demonstrate improved ways to provide older persons access to legal services. Special emphasis: Projects which support the development of legal services to older persons at the State level.	do	500,000	3
(j) Organization development: Projects may be supported which develop models for building organizational capacity or structures or knowledge which would improve the delivery and quality of services to older persons.	Only State agencies on aging. Nationally oriented organizations.	300,000 100,000	12 2
(k) Other activities: Special emphasis: Projects which develop preventive approaches to crime among older persons.	Municipal government.	50,000	1
Total		4,000,000	

7. *Cost Sharing.* It is generally expected that grantees will provide at least 10 percent of total project cost or 50 percent of indirect cost, whichever is greater. Grantee contributions must be project related and allowable under the Department's applicable cost principles, 45 CFR Subpart Q.

8. *The Application Process. A-95 Clearinghouse Notice:* In compliance with the Department of Health, Education, and Welfare's implementation of Office of Management and Budget Circular No. A-95 Revised (interim procedures at 41 FR 3160, July 29, 1976) applicants who request grant support must, prior to submission of an application, notify both the State and Areawide A-95 Clearinghouse of the intent to apply for Federal assistance. If the application is for a statewide project which does not affect areawide or local planning and programs, the notification need be sent only to the State Clearinghouse. If the application is for a project affecting many States or the Nation, the notification need only be sent to the State Clearinghouse in which the applicant is located. Some State and Areawide Clearinghouses provide forms on which such information is to be submitted. Applicants should contact the appropriate State Clearinghouse (listed at 42 FR 2210, January 10, 1977) for information on how to meet the A-95 requirements.

Application Submission: In order to be considered for a grant under the Model Projects on Aging Program, all applications must be submitted on standard forms provided for this purpose by the Commissioner in accordance with guidelines established by the Commissioner. The application shall be executed by an individual authorized to act for the applicant agency and to assume the obligations imposed by the terms and conditions of the grant award, including the regulations for Model Projects on Aging.

One signed original and three copies of the grant application, including all attachments, are required of each applicant. Two copies are to be submitted to the cognizant State Agency on Aging. The State Agency will supply one of these copies to the appropriate Area Agency on Aging for its comments. It transmits the comments, if any, of the State and Area Agencies to the Commissioner on Aging. On copy is to be submitted to the Office of Aging Director in the cognizant Department of Health, Education, and Welfare regional office for its review. The

Office of Aging transmits its comments, if any, to the Commissioner on Aging.

Four additional copies are requested with the original for review purposes, and are to be submitted to the central receiving office of the Office of Human Development.

Application Review: The Commissioner determines the final action to be taken with respect to each grant application. All applications which meet the legal requirements for a grant award are accepted for review and consideration. Applications which do not conform to this announcement are not accepted and applicants are notified accordingly.

All accepted grants applications are subjected to a competitive review conducted by qualified persons outside of the Model Projects on Aging Program Office. The results of the competitive review supplement and assist in the consideration of the competing applications. The Commissioner also takes into account comments of the A-95 Clearinghouses, State and Area Agencies on Aging, HEW Regional Offices, and the responsible program office. Comments on applications may be sought from appropriate specialists inside and outside of the government.

After the Commissioner has reached a decision either to approve or disapprove a grant application, the applicant is notified in writing of that decision. A decision to disapprove a grant application does not preclude its resubmission by the applicant or its reconsideration by the Commissioner.

The Commissioner makes no grants for Model Projects without first consulting with the cognizant State Agency on Aging.

Grant Awards: Within the limits of Federal funds available for the purpose of supporting model projects, the Commissioner makes grant awards consistent with the purposes of the Act, the regulations, and this program announcement. The official grant award document is the Notice of Grant Awarded. This sets forth in writing to the grantee the amount of funds awarded, the purposes of the grant, the terms and conditions of the grant award, the effective date of the award, the budget period for which support is given and the total grantee participation, if any. The initial award also specifies the project period for which support is approved provided that federal funds are available, that the grantee's performance on the project for which the

grant was awarded is satisfactory and that there is continued promise of the project contributing to the priorities of the Model Projects on Aging Program.

8. *Criteria for Review of Grant Applications.* The following criteria will be used by the persons who conduct the competitive review of grant applications:

1. Promise of developing innovations or knowledge in areas of priority of the Model Projects on Aging Program, and of significance to national program development.

2. Completeness and feasibility of proposed design including a presentation of the state-of-the-art and evaluation component.

3. Carefully formulated measurable objectives and feasibility of methods for meeting objectives.

4. Capability of proposed staff and adequacy of facilities and resources of applicant organization.

5. Track record of applicant organization in conducting related activities.

6. Feasibility of proposed budget; justification of costs and cost sharing by the applicant or other organizations.

7. Likelihood of completion of project with proposed time schedule.

8. Potential for implementation of findings, plans for dissemination of results of project, including any products for use by others.

9. Plans for continuance of any services to older persons which will be generated by the proposed project, if any, beyond the termination of financial support under Model Projects on Aging.

10. Comments and recommendations of State Agencies on Aging, A-95 State and Area Clearinghouses, and Area Agencies on Aging.

9. *Closing Dates of This Program Announcement.* The closing dates for receipt of applications under this program announcement for funds available in Fiscal Year 1977 are May 20, 1977 and July 1, 1977. Applications may be mailed or hand delivered to: Receiving Office; Division of Grants and Contracts Management; Office of Human Development, Department of Health, Education, and Welfare; Room 1427, Mary E. Switzer Building; 330 C Street SW., Washington, D.C. 20201 (Attention: 13634-771). Hand delivered applications are accepted during normal working hours of 9 a.m. to 5 p.m. The telephone number of the receiving office is 202-245-0051.

An application will be considered to have arrived by the closing date if:

1. The application is at the OHD Receiving Office by the closing date; or

2. The application is postmarked at least two days prior to the closing date.

10. *Application Forms.* Application kits which contain the prescribed application forms and information for the applicant may be obtained from: Division of Research Applications and Demonstrations; Administration on Aging, OHD; Room 4273, DHEW North Building; 330 Independence Avenue SW., Washington, D.C. 20201 (Attention: 13634-771). Telephone Number 202-245-2143.

(Catalog of Federal Domestic Assistance Program Number: 13.634 Model Projects on Aging.)

Dated: April 8, 1977.

Approved: April 21, 1977.

ARTHUR S. FLEMING,
Commissioner on Aging.

ARABELLA MARTINEZ,
Assistant Secretary for
Human Development.

[FR Doc.77-11947 Filed 4-26-77;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AA-12484]

ALASKA

Proposed Withdrawal and Reservation of Lands

The Department of Agriculture, Forest Service, on October 18, 1976, filed application, Serial No. AA-12484, for the withdrawal of the following described lands from location or entry, under the mining laws, subject to valid existing rights:

COPPER RIVER MERIDIAN, ALASKA, TONGASS NATIONAL FOREST—DOG ISLAND RESEARCH NATURAL AREA

Dog Island is approximately 1.9 miles long and 1.4 miles wide, located in Felice Strait just north of Duke Island and Pond Bay, at Latitude 54°59'6" N.; Longitude 131°19'15" W., being the lands included in secs. 30 and 31 of T. 79 S., R. 91 E. and portions of secs. 25 and 36, T. 79 S., R. 93 E. This description is meant to include Dog Island and the islets in the immediate vicinity of Dog Island, which are connected at low tide and with intervening tidal bars and estuaries.

The area described aggregates 774 acres more or less.

The lands described above will remain in the Tongass National Forest, and will be administered under the applicable laws and regulations for National Forest lands.

The applicant agency desires that the lands be withdrawn and reserved for the purpose of retaining the area in a natural, unmodified state in aid of science, research and education.

On or before May 27, 1977, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned authorized officer of the Bureau of Land Management.

Pursuant to section 204(h) of the Federal Land Policy and Management Act of 1976, notice is hereby given that an opportunity for a public hearing is afforded in connection with the proposed withdrawal. All interested persons who desire to be heard on the proposed withdrawal must submit a written request for a hearing to the State Director, Bureau of Land Management, 555 Cordova Street, Anchorage, Alaska 99501, on or before May 16, 1977. Notice of the public hearing will be published in the FEDERAL REGISTER giving the time and place of such hearing. The public hearing will be scheduled and conducted in accordance with BLM Manual, Sec. 2351.16 B.

The Department of the Interior's regulations provide that the authorized officer of the BLM will undertake such investigations as are necessary to determine the existing and potential demands for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of assuring that the area sought is the minimum essential to meet the applicant's needs, providing for the maximum concurrent utilization of the lands for purposes other than the applicant's, and reaching agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn and reserved as requested by the applicant agency. The determination of the Secretary on the application will be published in the FEDERAL REGISTER. The Secretary's determination shall, in a proper case, be subject to the provisions of section 204(c) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2752. The above-described lands are temporarily segregated from the operation of the public land laws, including the mining and mineral leasing laws, to the extent that the withdrawal applied for, if and when effected, would prevent any form of disposal or appropriation under such laws. Current administrative jurisdiction over the segregated lands will not be affected by the temporary segregation. The segregative effect of this proposed withdrawal shall terminate on October 20, 1991, unless sooner terminated by action of the Secretary of the Interior.

All communications (except for public hearing requests) in connection with this proposed withdrawal should be addressed to the Chief, Branch of Lands and Minerals Operations, Alaska State Office, Bureau of Land Management, Department of the Interior, 555 Cordova Street, Anchorage, Alaska 99501.

CURTIS V. McVEE,
State Director.

[FR Doc.77-12048 Filed 4-26-77;8:45 am]

[Serial No. I-4467]

IDAHO

Opportunity for Public Hearing and Republication of Notice of Proposed Withdrawal

The Department of Agriculture filed application Serial No. I-4467, on August 18, 1971, for a withdrawal in relation to the following described lands:

BOISE MERIDIAN, IDAHO, PAYETTE NATIONAL FOREST

RED FISH CAVE GEOLOGIC AREA

T. 21 N., R. 3 W.

Sec. 29: SE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$
The area described aggregates 20 acres in Adams County.

BOISE MERIDIAN, IDAHO, BOISE NATIONAL FOREST

BEAR VALLEY MOUNTAIN ADMINISTRATIVE SITE
T. 13 N., R. 9 E.

Sec. 16: W $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$

The area described aggregates 20 acres in Valley County.

The applicant desires that the land be reserved for protection of a geologic area and an administrative site. The administrative site and attendant facilities are essential for National Forest administration. The geologic area offers excellent opportunity for scientific study and public enjoyment.

A notice of the proposed withdrawal was published in the FEDERAL REGISTER on October 6, 1971, page 19446, Volume No. 36, Document No. 71-14612.

Pursuant to section 204(h) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2754, notice is hereby given that an opportunity for a public hearing is afforded in connection with the pending withdrawal application. All interested persons who desire to be heard on the proposed withdrawal must file a written request for a hearing with the State Director, Bureau of Land Management, Room 398, Federal Building, 550 West Fort Street, Post Office Box 042, Boise, Idaho 83724 on or before May 31, 1977. A notice of the public hearing will be published in the FEDERAL REGISTER giving the time and place of such hearing. The hearing will be scheduled and conducted in accordance with BLM Manual Sec. 2351.16B. All previous comments submitted in connection with the withdrawal application have been included in the record and will be considered in making a final determination on the application.

In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the pending withdrawal application may be filed with the undersigned authorized officer of the Bureau of Land Management on or before May 31, 1977.

The above described lands are temporarily segregated from the operation of the public land laws, including the mining laws, to the extent that the withdrawal applied for, if and when effected, would prevent any form of disposal or appropriation under such laws. Current administrative jurisdiction over the segregated lands will not be affected by the temporary segregation. In accordance with section 204(g) of the Federal Land Policy and Management Act of 1976, the segregative effect of the pending withdrawal application will terminate on October 20, 1991, unless sooner terminated by action of the Secretary of the Interior.

All communications (except for public hearing requests) in connection with the pending withdrawal application should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, Room 398, Federal Building, 550 West Fort Street, Post Office Box 042, Boise, Idaho 83724.

EUGENE E. BABIN,
Acting Chief, Branch of Land
and Management Operations.

[FR Doc.77-12050 Filed 4-26-77;8:45 am]

[Serial No. I-9903]

IDAHO

Opportunity for Public Hearing and Repub-
lication of Notice of Proposed Withdrawal

The Department of Agriculture filed application Serial No. I-9903, on August 18, 1975, for a withdrawal in relation to the following described lands:

BOISE MERIDIAN, IDAHO,
PAYETTE NATIONAL FOREST

CALF PEN PONDEROSA PINE SEED ORCHARD

T. 19 N., R. 3 W.

Sec. 9: S $\frac{1}{2}$ N $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$,
E $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$
SE $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ S $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$.

The area described aggregates 70 acres in Adams County.

The applicant desires that the land be reserved for development of a ponderosa pine seed orchard in cooperation with Federal, State, and local agencies. The ultimate objective of the project will be to improve forest trees through development of superior seedling stock for reforestation.

A notice of the proposed withdrawal was published in the FEDERAL REGISTER on September 29, 1975, page 44951, volume No. 40, Document No. 75-25900.

Pursuant to section 204(h) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2754, Notice is hereby given that an opportunity for a public hearing is afforded in connection with the pending withdrawal application. All interested persons who desire to be heard on the proposed withdrawal must file a written request for a hearing with the State Director, Bureau of Land Management, Room 398, Federal Building, 550 West Fort Street, Post Office Box 042, Boise, Idaho 83724 on or before May 31, 1977. A Notice of the public hearing will be published in the FEDERAL REGISTER giving the time and place of such hearing. The hearing will be scheduled and conducted in accordance with BLM Manual sec. 2351.16B. All previous comments submitted in connection with the withdrawal application have been included in the record and will be considered in making a final determination on the application.

In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the pending withdrawal application may be filed with the undersigned authorized officer of the Bureau of Land Management on or before May 31, 1977.

The above described lands are temporarily segregated from the operation of the public land laws, including the mining laws, to the extent that the withdrawal applied for, if and when effected, would prevent any form of disposal or appropriation under such laws. Current administrative jurisdiction over the segregated lands will not be affected by the temporary segregation. In accordance with section 204(g) of the Federal Land Policy and Management Act of 1976, the segregative effect of the pending withdrawal application will terminate on October 20, 1991, unless sooner terminated by action of the Secretary of the Interior.

All communications (except for public hearing requests) in connection with the pending withdrawal application should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, Room 398, Federal Building, 550 West Fort Street, Post Office Box 042, Boise, Idaho 83724.

EUGENE E. BABIN,
Acting Chief, Branch of Land
and Management Operations.

[FR Doc.77-12049 Filed 4-26-77;8:45 am]

[NM 30292]

NEW MEXICO

Application

APRIL 18, 1977.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for one 4 $\frac{1}{2}$ -inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 26 N., R. 7 W.

Sec. 10, NE $\frac{1}{4}$ NE $\frac{1}{4}$.

This pipeline will convey natural gas across 0.060 miles of national resource land in Rio Arriba County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, New Mexico 87107.

FRED E. PADILLA,
Chief, Branch of Lands and
Minerals Operations.

[FR Doc.77-12095 Filed 4-26-77;8:45 am]

[NM 30314]

NEW MEXICO

Application

APRIL 18, 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), Llano, Inc., has applied for two 4 $\frac{1}{2}$ -inch natural gas pipeline rights-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN,
NEW MEXICO

T. 21 S., R. 32 E.

Sec. 2, W $\frac{1}{2}$ SW $\frac{1}{4}$;Sec. 3, S $\frac{1}{2}$ SE $\frac{1}{4}$;Sec. 11, E $\frac{1}{2}$ NE $\frac{1}{4}$;Sec. 12, SW $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$.

These pipelines will convey natural gas across 1.27 miles of national resource land in Lea 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 1391, Roswell, New Mexico 88201.

FRED E. PADILLA,
Chief, Branch of Lands and
Minerals Operations.

[FR Doc.77-12096 Filed 4-26-77;8:45 am]

[NM 30288, 30289, 30290, 30293, and 30294]

NEW MEXICO

Applications

APRIL 18, 1977.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for five 4 $\frac{1}{2}$ -inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN,
NEW MEXICO

T. 28 N., R. 8 W.,

Sec. 18, E $\frac{1}{2}$ SW $\frac{1}{4}$.

T. 29 N., R. 9 W.,

Sec. 2, SE $\frac{1}{4}$ SW $\frac{1}{4}$;Sec. 10, S $\frac{1}{2}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$;Sec. 11, NW $\frac{1}{4}$ NW $\frac{1}{4}$;Sec. 12, SE $\frac{1}{4}$ NW $\frac{1}{4}$;

Sec. 13, lots 5 and 12.

These pipelines will convey natural gas across 1.473 miles of national resource lands in San Juan County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, New Mexico 87107.

FRED E. PADILLA,
Chief, Branch of Lands and
Minerals Operations.

[FR Doc.77-12094 Filed 4-26-77;8:45 am]

Office of Hearings and Appeals

[Docket No. M 77-165]

MONARCH COALS, INC.

Petition for Modification of Application of
Mandatory Safety Standard

Notice is hereby given that in accordance with the provision of section 301(e) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(e) (1970), Monarch Coals, Inc., 1100 Hamilton National Bank Building, Knoxville, Tennessee 37902, has filed a petition to modify the application of 30 CFR 75.1605, loading and haulage equipment: installations, to its Monarch Coals, Inc., Mine, located in Anderson County, Tennessee.

The substance of Petitioner's statement is as follows:

1. Petitioner maintains a roadway of about one-half mile between its coal mine and State Highway 116 at or near Devonia, Tennessee, which roadway is the subject of this petition.

2. The modification of this subsection of the Code of Federal Regulations is necessary for the safe and confident operation of Petitioner's coal mine. The alternate methods suggested and specified will at all times guarantee no less than the same measure of safety to miners, to others and to the property and equipment at Petitioner's mine as does the regulation sought to be modified.

3. The alternate methods of accomplishing the purpose of the regulation sought to be modified are as follows:

a. A daily inspection of all coal-hauling vehicles shall be made and any defects detected shall be corrected before the vehicle is put into service. A record of the inspection and repair on each vehicle shall be kept and maintained by a supervisory employee.

b. All rules of the road (traffic system) shall be posted on the bulletin boards throughout the mine area, and such rules of the road shall be made part of the training and retraining programs.

c. Roadway surfaces shall be kept free of debris, excessive water and snow and ice, and maintained as free as practicable of small ditches (washboard effects).

d. A traffic system shall be put into use for these roads requiring that loaded vehicles have the right-of-way on the highway side of roads regardless of their direction of travel.

e. Warning signs shall be posted designating curves, steep grades where trucks should shift to a lower gear, and where roadways are reduced to one-lane traffic. Stop signs shall be posted where one road intersects another, giving main haulage road traffic the right-of-way. Signs shall also be posted designating passing points.

f. All equipment operators shall be trained in the use of haulage equipment and the safety of the vehicles on haulage roads.

g. All haulage vehicles shall have: (a) Original manufacturers brakes, (b) Emergency (parking) braking system.

h. Adequate supplies of crushed stone or other suitable materials shall be stored at strategic locations along the haulage roads for use when the road surface becomes slippery.

i. On roads that afford only one traffic lane, a minimum width of 12 feet shall be maintained, with passing points provided at intervals of not more than 1,000 feet.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before May 27, 1977. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies

of the petition are available for inspection at that address.

DAVID TORBETT,
Acting Director, Office of
Hearings and Appeals.

APRIL 19, 1977.

[FR Doc. 77-12051 Filed 4-26-77; 8:45 am]

[Docket No. M 77-163]

REPUBLIC STEEL CORP.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Republic Steel Corporation, 605 Fayette Bank Building, Uniontown, Pennsylvania 15401, has filed a petition to modify the application of 30 CFR 75.403-9, maintenance of incombustible content of rock dust, to its Clyde Mine, located in Washington County, Pennsylvania.

The substance of Petitioner's statement is as follows:

1. Petitioner requests modification of the safety standard to its mine and the following areas therein.

a. Along the main haulage from the inby end of the double haulage (1 West Switch) to Clyde No. 3 bottom (inby 16 Flat Switch); and
b. Above 2 Flat haulage from its intersection with the Main Haulage (2 Flat Switch) to Burson Switch.

2. Petitioner seeks to have application of 30 CFR 75.1403-9 modified so that the size of the existing shelter holes are acceptable to meet the criteria of 30 CFR 75.1403-9(a) and 75.1403-9(b).

3. Petitioner proposes as an alternative to the requirements of 30 CFR 75.1403-9(a) and (b) that:

a. A signal system consisting of flashing yellow lights be used to give additional warning to equipment traveling on the haulage that a crew is working on the haulage and that employees may be in the area. One flashing light shall be placed approximately 150 feet both inby and outby the work area on the haulage.

b. All crews working on the haulage shall inform the dispatcher of their intent to work on the haulage and the location of their work area.

c. The dispatcher shall inform every trip through any work area on the haulage of the location of the work area and to proceed cautiously.

d. All employees shall be in a shelter hole or off the haulage when equipment goes by on the haulage.

e. All pedestrian traffic on the haulage-way shall inform the dispatcher of their intent to travel the haulage and to get clearance. Dispatcher shall inform and warn pedestrians of any moving equipment approaching.

f. All clearances to truck equipment shall include notice and warning of pedestrian traffic and work areas.

g. All clearances to pedestrians shall include notice and warning of any ap-

proaching track equipment and to use shelter holes or get off haulage.

4. The alternate method proposed by Petitioner will, at all times, guarantee no less than the same protection afforded the miners at the Clyde Mine by safety standard 75.1403-9.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before May 27, 1977. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

DAVID TORBETT,
Acting Director, Office of
Hearings and Appeals.

APRIL 19, 1977.

[FR Doc. 77-12052 Filed 4-26-77; 8:45 am]

Office of the Secretary

WATCHES AND WATCH MOVEMENTS

New Entrant Announcement for Virgin Islands

CROSS REFERENCE: For a document concerning the above entitled matter, issued jointly by the Department of Commerce and by the Department of the Interior, see FR Doc. 77-12113, in the Notice section of this issue under Department of Commerce, Office of the Secretary.

LIBRARY OF CONGRESS

Copyright Office

[S 77-6]

PERFORMANCE RIGHTS IN SOUND

RECORDINGS

Notice of Inquiry

AGENCY: Library of Congress, Copyright Office.

ACTION: Notice of inquiry.

SUMMARY: This notice of inquiry is issued to advise the public that the Copyright Office of the Library of Congress is preparing a report to Congress under section 114(d) of Pub. L. 94-553 (90 Stat. 2541), the Act for General Revision of the Copyright Law, pertaining to performance rights in copyrighted sound recordings. This notice is intended to elicit public comment, views, and information which will assist the Copyright Office in considering alternatives, formulating a report, and making legislative recommendations, if any. Specific areas of inquiry are noted below; related observations are welcome.

DATES: Initial comments should be received on or before May 31, 1977. Reply comments should be received on or before June 15, 1977.

ADDRESS: Interested persons should submit five copies of their written comments to: Harriet L. Oler, Senior Attor-

ney, Office of the General Counsel, Copyright Office, Library of Congress, Washington, D.C. 20559.

Harriet Oler, Senior Attorney, General Counsel's Office, Copyright Office, Library of Congress, Washington, D.C. 20559, 703-557-8731.

SUPPLEMENTARY INFORMATION: Section 114 of the newly enacted copyright law, Pub. L. 94-553, specifies that the exclusive rights of the owner of copyright in a sound recording are limited to the rights to reproduce the sound recording in copies or phonorecords, to prepare derivative works based on the sound recording and to distribute copies or phonorecords of the sound recording to the public. Paragraph (a) of section 114 states explicitly that the owner's rights "do not include any right of performance under section 106(4)."

Congress had considered the arguments in favor of establishing a limited performance right, in the form of a compulsory license, for copyrighted sound recordings but concluded that the issue required further study. Paragraph (d) of section 114 directs the Register of Copyrights to consult with various interests in the broadcasting, recording, motion picture and entertainment industries; arts organizations; and representatives of copyright owners, organized labor and performers, and to report to Congress by January 3, 1978 whether Section 114 should be amended to provide for performers and copyright owners any performance rights in such material. The report is to describe the status of such rights in foreign countries, the views of major interested parties, and specific legislative or other recommendations, if any.

To assist the Copyright Office in formulating the report and recommendation, public comment is invited on the subject of performance rights in sound recordings. Comment is specifically requested on the following questions:

- (1) What are the constitutional and legal constraints and problems arising from a performance royalty in sound recordings?
- (2) What are the arguments for and against performance royalty in sound recordings? What projected economic effect would it have on performers, record companies, broadcasters, cable systems, owners of copyright in musical compositions, background music services, jukebox operators, record consumers and other interested parties?
- (3) In the event that a performance right is enacted, who should enjoy it? If both record producers and performers enjoy it, what royalty split would be advisable?
- (4) If a performance royalty is enacted, what mechanism should be established to implement it? Are voluntary negotiations possible and/or preferable? Would a compulsory licensing system work? If so, who should determine the rates, who should distribute the proceeds and how should the beneficiaries be identified? What role, if any, should the Copyright Office play?

Copies of all comments received will be available for public inspection and copying between the hours of 8 a.m. and 4 p.m., Monday through Friday, in the Public Information Office, Room No. 101, Crystal Mall Building No. 2, 1921 Jefferson Davis Highway, Arlington, Virginia.

(Title 17 of the United States Code as amended by Pub. L. 94-553; Sec. 114.)

Dated: April 21, 1977.

BARBARA RINGER,
Register of Copyrights.

Approved:

DANIEL J. BOORSTIN,
Librarian of Congress.

[FR Doc. 77-12057 Filed 4-26-77; 8:45 am]

NATIONAL CAPITAL PLANNING COMMISSION

[NCPD File No. 1619]

PROCEDURES FOR CITIZEN PARTICIPATION AND INTERGOVERNMENTAL LIAISON

The National Capital Planning Commission, at its April 7, 1977 meeting, adopted the following Procedures for Citizen Participation and Intergovernmental Liaison.

The procedures, as proposed, were published for comment in the Federal Register on February 9, 1977 (42 FR 8235-6). Comments were received from the Upper Northeast Coordinating Council and from Chester A. Nauminow. Mr. Nauminow's comments generally related to alleged responsibilities of the Commission under the Federal Administrative Procedure Act, the "Government in the Sunshine Act", and the National Environmental Policy Act of 1969 and were not relevant to the procedures. The comments of the Council, to the extent deemed relevant and appropriate, are reflected in the adopted procedures.

I. DISTRICT ELEMENT OF THE COMPREHENSIVE PLAN FOR THE NATIONAL CAPITAL — FEDERAL INTEREST REVIEW¹

A. *Citizen Participation.* (Comments on the effect of the District element or amendment on the Federal establishment and/or on

¹ The Comprehensive Plan for the National Capital consists of (1) "Federal elements" prepared and adopted by the National Capital Planning Commission (hereinafter "NCPD") and (2) "District elements", adopted by the Council of the District of Columbia and reviewed by NCPD. When District elements are reviewed by NCPD, the criterion used is the effect of the District element on the Federal establishment and/or Federal interests in the National Capital Region (referred to as a "Federal interest review"). These procedures provide for citizen participation in connection with (1) Federal interest review of District elements pursuant to section 2 of the National Capital Planning Act of 1952, as amended (hereinafter "Planning Act") (see I); (2) preparation by NCPD of Federal elements pursuant to section 4 of the Planning Act (see II); and (3) adoption by NCPD of Federal elements also pursuant to section 4 of the Planning Act (see III).

² Section 2(a)(4)(A) of the Planning Act permits only 60 days for initial NCPD review and Federal interest determination.

Federal interests in the National Capital Region).

Publication in the FEDERAL REGISTER of notice that NCPD will review and act on a District element or amendment thereto; the notice shall also be sent to the NCPD mailing list. The notice shall solicit written comments prior to and oral comments at an open session Commission meeting.

B. *Intergovernmental Liaison.* Referral to affected Federal agencies for review and written comments.

II. FEDERAL ELEMENTS OF THE COMPREHENSIVE PLAN FOR THE NATIONAL CAPITAL — PREPARATION

A. *Citizen Participation.* Publication in the FEDERAL REGISTER of notice that NCPD is circulating a draft statement of goals, objectives, criteria and alternative policies for review and comment; the notice shall also be sent to the NCPD mailing list. The notice shall solicit written comments prior to and oral comments at an open session Commission meeting.

B. *Intergovernmental Liaison.* 1. Data gathering from interested and affected agencies as required.

2. Coordination with interested and affected agencies regarding staff drafts for each element.

3. Referral of relevant Comprehensive Plan materials to the following for informal review:

- Appropriate Federal authorities;
- Appropriate District authorities;
- Metropolitan Washington Council of Governments (hereinafter "COG") and through COG to local governments;
- Local planning agencies;
- State clearinghouses; and
- Regional and subregional authorities.

III. FEDERAL ELEMENTS AND AMENDMENTS TO COMPREHENSIVE PLAN FOR THE NATIONAL CAPITAL — ADOPTION

A. *Citizen participation.* Publication in the FEDERAL REGISTER of notice that NCPD will review and act on a Federal element or amendment thereto; the notice shall also be sent to the NCPD mailing list. The notice shall solicit written comments prior to and oral comments at an open session Commission meeting.

B. *Intergovernmental Liaison.* Referral as relevant to the following for review and written comments:

- Appropriate Federal authorities;
- Appropriate District authorities;
- COG (and through COG to local governments);
- Local planning agencies;
- State clearinghouses; and
- Regional and subregional authorities

IV. FEDERAL AND DISTRICT PLANS AND PROJECTS — AGENCY PREPARATION

A. *Citizen participation if Agency has citizen participation process.* Agency to advise NCPD at earliest possible time of citizen participation; NCPD staff to participate in process as appropriate and where feasible to encourage agencies to provide for citizen participation as agencies develop their plans.

Consistent with the objectives of the Dis-

³ Sec. 4(e) of the Planning Act directs NCPD to refer proposed Comprehensive Plan elements to appropriate Federal and District of Columbia authorities for comment and recommendation prior to adoption.

⁴ The preparation of plans and projects of Federal and District agencies involves two planning processes. The first is the sponsoring agency's own process established by that agency (see IV). The second is NCPD's review of those plans (see V).

tract of Columbia Self-Government and Governmental Reorganization Act, NCPG has limited its review of most District plans and projects to a "Federal interest review". Accordingly, citizen comments on such plans and projects should be correspondingly limited.

There is, however, no such limitation on District projects in the central area of the District of Columbia as concurrently defined by NCPG and the Council of the District of Columbia to which the District's Zoning Regulations are not applicable and for which approval by NCPG "in lieu of zoning" is required. Nor is there any limitation on citizen comments on Federal plans and projects.

B. Intergovernmental Liaison. 1. Data gathering by agency as required—NCPG informed.

2. Coordination by NCPG with appropriate authorities in conjunction with sponsoring agency (early consultation).

V. FEDERAL AND DISTRICT PLANS AND PROJECTS—COMMISSION PLAN AND PROJECT REVIEW

A. Citizen participation. (Comments and statements on District plans and projects, except "in lieu of zoning" matters, on the effect of the plan or project on the Federal establishment and/or on Federal interests in the National Capital Region.)

Publication in the FEDERAL REGISTER of notice that NCPG will review and act on plan or project; the notice shall also be sent to the NCPG mailing list. The notice shall solicit written comments prior to and oral comments at an open session Commission meeting.

B. Intergovernmental liaison. Referral to all or some of the following:

By agency

By Commission

1. State governments	Required by A-95. ^{1,2,3}	
2. COG	Required by A-95. ^{1,2,3}	Pursuant to agreement with COG. ⁴
3. Subregional agencies		Pursuant to sec. 5(d) of Planning Act outside District of Columbia.
4. Local governments, (a) Executive administrative, (b) Legislative.		Through COG pursuant to informal agreement between COG and NCPG.
5. Local planning agencies		Pursuant to sec. 5(d) of Planning Act outside District of Columbia.
6. Other jurisdictions		

¹ Sec. 2 of pt. II of attachment A to Office of Management and Budget Circular No. A-95 (revised) requires Federal agencies to establish procedures for consultation with Governors, State, and areawide clearinghouses, and local elected officials on planning and construction of Federal buildings, installations, and public works and with respect to projects in the National Capital region, to undertake such consultation in cooperation with NCPG.

² Except for District of Columbia plans, referral is presently by NCPG.

³ No referral to District of Columbia.

⁴ Master plans outside of District of Columbia only.

VI. FEDERAL CAPITAL IMPROVEMENTS PROGRAM—PREPARATION

A. Intergovernmental Liaison. 1. Data gathering from interested and affected agencies.
2. Coordination with interested and affected Federal agencies regarding agency capital budget and program submissions.
3. Coordination with relevant local, state and regional capital budgets and programs.

VII. FEDERAL CAPITAL IMPROVEMENTS PROGRAM—ADOPTION

A. Citizen participation. Publication in the FEDERAL REGISTER of notice that NCPG is circulating a draft program for review and comment; the notice shall also be sent to the NCPG mailing list. The notice shall solicit written comments prior to and oral comments at an open session Commission meeting.

B. Intergovernmental liaison. Referral of draft program as relevant to the following:

1. Appropriate Federal authorities;
2. Appropriate District authorities;
3. COG (and through COG to local governments);
4. Local planning agencies;
5. State clearinghouses; and
6. Regional and subregional authorities.

VIII. ZONING

A. Citizen participation (Comments and statements on (1) the effect of zoning proposals on the Federal establishment and/or on Federal interests in the National Capital

¹ NCPG is responsible for preparing and recommending a Federal capital improvements program for the National Capital Region that identifies and describes proposed Federal land acquisition and development proposals within the Region for the next six years (see VII). A draft program is prepared by the staff, circulated to Federal agencies for comment, and then adopted by NCPG after receipt of citizen comments.

Region and/or (2) their consistency with the Comprehensive Plan).

Publication in the FEDERAL REGISTER of notice that NCPG will review an act on (1) Zoning Commission referrals, after public hearing, of proposed Zoning Commission actions pursuant to statute and (2) recommendations or requests for NCPG participation in cases before the Zoning Commission and the Board of Zoning Adjustment at or before public hearings thereon. The notice shall also be sent to the NCPG mailing list and shall solicit written comments prior to an oral comments at an open session Commission meeting.

B. Intergovernmental liaison. Referral to affected Federal agencies.

DANIEL H. SHEAR,
Secretary.

APRIL 21, 1977.

[FR Doc. 77-12056 Filed 4-26-77; 9:45 am]

NATIONAL COMMISSION ON ELECTRONIC FUND TRANSFERS
IMPLICATIONS OF ELECTRONIC LAND TRANSFERS

Request for Comment

The National Commission on Electronic Fund Transfers is examining the competitive impact on financial and nonfinancial institutions of the proliferation of electronic fund transfer systems.

This investigation, authorized by Title II of Pub. L. 93-495 is intended to aid

¹ NCPG may participate in the Zoning Commission process either prior to the Zoning Commission hearing or after such hearing; in the latter case, the proposed action of the Zoning Commission is before the NCPG for its review (see VIII).

the Commission in developing its recommendations to Congress and the President regarding appropriate administrative action and legislation necessary in connection with the possible development of public or private electronic fund transfer systems.

As part of its investigation, the Commission is soliciting the views of knowledgeable groups and individuals interested in questions relevant to the competitive impact of EFT. Anyone may submit a written statement for the public record of the Commission. Written statements and any supporting documentation must be received by the Executive Director, National Commission on EFT, 1000 Connecticut Avenue NW., Suite 900, Washington, D.C. 20036 by June 1, 1977.

INTRODUCTION

In its enabling legislation, the Commission was instructed by Congress to consider in its study of electronic funds transfer systems, among other things,

(1) The need to preserve competition among the financial institutions and other business enterprises using such a system;

(2) The need to promote competition among financial institutions and to assure Government regulation and involvement or participation in a system competitive with the private sector be kept to a minimum.

The Commission is seeking to understand if EFT will fundamentally alter the way industries compete with each other, or whether EFT will place one institution or type of institution at a competitive disadvantage over another. It has been argued by many that the availability of electronic fund transfer services will so change the way traditional financial services are delivered to the consumer that it will result in substantial changes in the current competitive balances between small and large financial institutions, between different types of depository institutions, between retail businesses, and other institutions that provide services to the financial industry.

Others minimize the competitive implications of EFT and argue that the consumer's use of financial services is related to the kinds of personal services each institution offers and that EFT will not affect this. Further, it is argued, if small institutions wish to offer their customers EFT services, such capabilities can be purchased from larger institutions in much the same way that small banks have correspondent relationships with larger banks, or that many institutions purchase computing services from service companies.

The Commission, wishing to explore the validity of these hypotheses, is soliciting the views and experiences of interested parties on these subjects. The Commission is investigating the broadest possible scope of competitive impacts; that is, the competitive impact of EFT upon both depository and non-depository institutions as well as the competitive impact of EFT upon non-financial institutions. The Commission is interested in understanding the changing competitive

interactions and market relationships within the entire range of industries that may participate in the using or offering of EFT services.

The Commission, therefore, is seeking comment on what the competitive impact of EFT on these industries has been to date. In addition, the Commission is interested in comments on what the competitive situation would be over the next 5-10 years among different types of organizations if the recommendations of the NCEFT were implemented and contrasted to that, what the competitive situation would be if the Commission's recommendations were not implemented and the status quo prevailed.

The Commission's report, "EFT and the Public Interest", is available from the Government Printing Office 202-783-3238, stock no. 048-000-00396-0.

For further information, contact Kathryn H. Humes, 202-634-1768.

WILLIAM B. WIDNALL,
Chairman.

APRIL 22, 1977.

[FR Doc.77-12081 Filed 4-26-77;8:45 am]

POSTAL RATE COMMISSION

[Docket Nos. MC76-1 MC76-2 MC76-3
MC76-4; Order No. 160]

MAIL CLASSIFICATION SCHEDULE, 1976

Order Establishing Procedures for a Commission Tentative Decision

APRIL 20, 1977.

On March 31, 1977, the Administrative Law Judge in these cases tendered his resignation to the Commission effective April 14, 1977. In order to deal with this unanticipated circumstance, the Commission has adopted for these cases certain procedures, consistent with 5 U.S.C. 557(b) (1).

Under the provisions of the Administrative Procedure Act (5 U.S.C. 557(b), (b) (1)), where the agency has not presided at the reception of the evidence, some type of intermediate decision is normally required.¹ An alternative to a law judge's initial decision, is a tentative decision issued by the agency.² See 5 U.S.C. 557(b) (1); 39 CFR 3001.39(b). The Commission has determined therefore, in light of the Law Judge's resignation, to issue tentative decisions in these cases.

Upon issuance of these tentative decisions, the parties will have an opportunity to file exceptions, as they would with a law judge's initial decision.³ Oral argument may also be scheduled, as appropriate.

All briefs and reply briefs filed after the date of this order should be ad-

¹ The APA provides that intermediate decisions may be omitted where "due and timely execution of . . . [the agency's] functions imperatively and unavoidably so requires." 5 U.S.C. 557(b) (2). See also 39 CFR 3001.38. However we do not find this provision applicable under present circumstances.

² The provision applies to formal rulemaking proceedings such as our classification cases.

³ See 39 CFR 3001.40.

ressed to the Commission. The briefing schedule established by the Law Judge is hereby adopted by the Commission.

By the Commission.

DAVID F. HARRIS,
Secretary.

[FR Doc.77-12098 Filed 4-26-77;8:45 am]

DEPARTMENT OF STATE

Agency for International Development

[Redelegation of Authority No. 99.1.21,
Amendment 2]

MISSION DIRECTOR, USAID/INDONESIA

Redelegation of Authority

Pursuant to the authority delegated to me by Redelegation of Authority No. 99.1, dated May 1, 1973 (38 FR 12836) from the Assistant Administrator for Program and Management Services, I hereby amend Redelegation of Authority No. 99.1.21 dated September 21, 1973 (38 FR 27849) as further amended on November 14, 1973 (38 FR 32825) by re-stating redelegation paragraph 1, as follows:

1. U.S. Government contracts and grants (other than grants to foreign governments or agencies thereof), and amendments thereto, and AID grant-financed host country contracts for technical assistance provided that the aggregate amount of each individual contract or grant does not exceed \$100,000 or local currency equivalent.

Actions within the scope of this delegation, and any redelegation hereunder, heretofore taken by officials designated in such delegation, or redelegation, are hereby ratified and confirmed.

This redelegation of authority is effective immediately.

Dated: April 15, 1977.

HUGH L. DWELLEY,
Director, Office of
Contract Management.

[FR Doc.77-12053 Filed 4-26-77;8:45 am]

DEPARTMENT OF THE TREASURY

Customs Service

LEATHER WEARING APPAREL FROM ARGENTINA

Receipt of Countervailing Duty Petition and Initiation of Investigation

AGENCY: United States Customs Service, Treasury Department.

ACTION: Initiation of Countervailing Duty Investigation.

SUMMARY: This notice is to advise the public that a satisfactory petition has been received and that a countervailing duty investigation has been started for the purpose of determining whether or not benefits are paid by the Government of Argentina to manufacturers/exporters of leather wearing apparel which constitute the payment of a bounty or grant within the meaning of the U.S. countervailing duty law. A preliminary determination will be made not later July 21, 1977, and a final determination no later than January 21, 1978.

EFFECTIVE DATE: On January 21, 1977, this investigation was initiated.

FOR FURTHER INFORMATION CONTACT:

Vincent P. Kane, Duty Assessment Division, Office of Operations, U.S. Customs Service, Washington, D.C. 20223, 202-566-4592.

SUPPLEMENTARY INFORMATION: A petition in satisfactory form was received on January 21, 1977, alleging that benefits conferred by the Government of Argentina upon the manufacture, production or exportation of leather wearing apparel from Argentina constitute the payment or bestowal of a bounty or grant within the meaning of section 303, Tariff Act of 1930, as amended (19 U.S.C. 1303).

The leather wearing apparel specified in the petition is classifiable under item 791.7600 of the Tariff Schedules of the United States Annotated (TSUSA). Leather wearing apparel from Argentina is eligible for duty free entry under the Generalized System of Preferences. In the event that it becomes necessary to refer this matter to the United States International Trade Commission pursuant to section 303(a) (2), Tariff Act of 1930, as amended (19 U.S.C. 1303(a) (2)), there is evidence on record concerning injury to, or likelihood of injury to, or prevention of the establishment of an industry in the United States.

Pursuant to section 303(a) (4), Tariff Act of 1930, as amended (19 U.S.C. 1303(a) (4)), the Secretary of the Treasury is required to issue a preliminary determination as to whether or not any bounty or grant is being paid or bestowed within the meaning of that statute within 6 months of receipt, in satisfactory form, of a petition alleging the payment or bestowal of a bounty or grant. A final determination must be issued within 12 months of the receipt of such petition. Therefore, a preliminary determination on this petition will be made no later than July 21, 1977, as to whether or not the alleged payments or bestowals conferred by the Government of Argentina upon the manufacture, production, or exportation of the merchandise described above constitute a bounty or grant within the meaning of section 303, Tariff Act of 1930, as amended. A final determination will be issued no later than January 21, 1978.

This notice is published pursuant to section 303(a) (3) of the Tariff Act of 1930, as amended (19 U.S.C. 1303(a) (3)), and § 159.47(c), Customs Regulations (19 CFR 159.47(c)).

G. R. DICKERSON,
Acting Commissioner
of Customs.

Approved: April 18, 1977.

JOHN H. HARPER,
Assistant Secretary of the
Treasury.

[FR Doc.77-12045 Filed 4-26-77;8:45 am]

LEATHER WEARING APPAREL FROM THE REPUBLIC OF KOREA

Preliminary Countervailing Duty Determination

AGENCY: Customs Service, U.S. Treasury.

ACTION: Preliminary Countervailing Duty Determination.

SUMMARY: This notice is to inform the public that it has been determined preliminarily that no bounty or grant is being paid on exports of leather wearing apparel from the Republic of Korea, under the Countervailing Duty Law.

FOR FURTHER INFORMATION CONTACT:

Mr. Anthony L. Russo, Technical Branch, Duty Assessment Division, United States Customs Service, 1301 Constitution Avenue, N.W., Washington, D.C. 20229, telephone 202-566-5492.

EFFECTIVE DATE: (April 27, 1977.)

SUPPLEMENTARY INFORMATION:

On November 16, 1976, a "Notice of Receipt of Countervailing Duty Petition and Initiation of Investigation" was published in the FEDERAL REGISTER (41 FR 50523). This notice states that a petition in proper form was received on October 18, 1976, alleging that payments or bestowals conferred by the Government of the Republic of Korea upon the manufacture, production or exportation of leather wearing apparel from the Republic of Korea constitute the payment of bestowal of a bounty or grant within the meaning of section 303, Tariff Act of 1930, as amended (19 U.S.C. 1303) (referred to in this notice as "the Act").

The term "leather wearing apparel" as used in that notice, referred to wearing apparel, of leather other than reptile leather, classifiable under item 791.7500, Tariff Schedules of the United States (TSUS). However, by Executive Order No. 11974 of February 25, 1977, TSUS item 791.7500 was superseded by TSUS items 791.7400 and 791.7600. Accordingly, as requested by the petitioner, the term "leather wearing apparel" now refers to wearing apparel not specifically provided for, of leather, and classifiable under TSUS 791.7600.

On the basis of an investigation conducted pursuant to § 159.47(c), Customs Regulations (19 CFR 159.47(c)), it preliminarily has been determined that certain practices of the Government of the Republic of Korea could constitute bounties or grants within the meaning of section 303 of the Act, but that the benefits bestowed thereunder involve an aggregate amount of two hundred fifty-eight one-thousandths of one percent (0.258%), considered to be de minimis. These practices are:

1. Short-term financing at preferential interest rates.
2. Tax benefits resulting from the inclusion in loss accounts of reserve funds in connection with fixed assets utilized directly for the exportation of goods.

3. Tax benefits under a provision for accelerated depreciation in connection with fixed assets utilized directly for the exportation of goods.

It preliminarily has been determined that certain practices of the Government of the Republic of Korea do not constitute a bounty or grant in that they do not on their face describe a bounty or grant based on the information currently available. These practices are:

1. Remission, upon exportation, of commodity taxes which are indirect taxes directly related to the product. The Customs Court, in *Zenith Radio Corporation v. United States*, C.D. 4691, ruled that the rebate of the Japanese commodity tax on exportation is a bounty or grant within the meaning of the Countervailing Duty Law. To the extent that the ruling in that case is applicable here, the Department, in the absence of a final court decision to the contrary, maintains its position that the rebate or remission upon exportation of indirect taxes directly related to the exported product are not bounties or grants.

2. Remission of textile taxes, which are indirect taxes directly related to the product, on imported goods when such goods are incorporated into an exported product.

3. Financing the stockpile of imported raw or intermediate materials by private banks at prevailing international market rates of interest plus an interest charge of 2.5 percent levied by such banks. At this stage it does not appear that the Government of the Republic of Korea provides assistance in connection with this program.

It preliminarily has been determined that certain practices of the Government of the Republic of Korea do not constitute a bounty or grant on grounds that they are either not applicable or have not been utilized by the leather wearing apparel industry. These practices are:

1. Extension of the repayment period for inventory credits for stockpiling raw materials for domestic use—No leather apparel manufacturers have received any benefits under the regulations.

2. Long-term financing—This is not available for the leather wearing apparel industry.

3. Deferred payment export financing—The leather apparel industry neither qualifies for nor receives any benefits under this program.

4. Credit on duty payments—This program does not apply to the leather apparel industry and is not designed to assist industries of this nature.

5. Deferral of due dates for domestic taxes—This program is designed to assist distressed industries, and since the leather apparel industry has not been designated a distressed industry it does not receive the benefits of this program.

6. Export Industrial Estates and Masan and IRI export zones—None of the leather apparel manufacturers who export to the United States are located in these areas.

Accordingly, it is determined preliminarily that no bounty or grant, within the meaning of Section 303 of the Act, is being paid or bestowed directly or indirectly, upon the manufacture, production, or exportation of leather wearing apparel from Korea. A final decision in this case is required on or before October 18, 1977.

Before a final determination is made, consideration will be given to any relevant data, views or arguments submitted in writing with respect to the preliminary determination. Submissions should be addressed to the Commissioner of Customs, 1301 Constitution Avenue, N.W., Washington, D.C. 20229, in time to be received by this office not later than May 27, 1977.

This preliminary determination is published pursuant to section 303(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1303(a)).

JOHN H. HARPER,
Acting Assistant Secretary
of the Treasury.

APRIL 19, 1977.

[FR Doc. 77-12047 Filed 4-26-77; 8:45 am]

LEATHER WEARING APPAREL FROM URUGUAY

Receipt of Countervailing Duty Petition and
Initiation of Investigation

AGENCY: United States Customs Service, Treasury Department.

ACTION: Initiation of Countervailing Duty Investigation.

SUMMARY: This notice is to advise the public that a satisfactory petition has been received and that a countervailing duty investigation has been started for the purpose of determining whether or not benefits are paid by the Government of Uruguay to manufacturers/exporters of leather wearing apparel which constitute the payment of a bounty or grant within the meaning of the U.S. countervailing duty law. A preliminary determination will be made not later than July 21, 1977, and a final determination no later than January 21, 1978.

EFFECTIVE DATE: On January 21, 1977, this investigation was initiated.

FOR FURTHER INFORMATION CONTACT:

Vincent P. Kane, Duty Assessment Division, Office of Operations, U.S. Customs Service, Washington, D.C. 20220, 202-566-5492.

SUPPLEMENTARY INFORMATION: A petition in satisfactory form was received on January 21, 1977, alleging that benefits conferred by the Government of Uruguay upon the manufacture, production or exportation of leather wearing apparel from Uruguay constitute the payment or bestowal of a bounty or grant within the meaning of section 303, Tariff Act of 1930, as amended (19 U.S.C. 1303).

The leather wearing apparel specified in the petition is classifiable under item

7917600 of the Tariff Schedules of the United States Annotated (TSUSA). Leather wearing apparel from Uruguay is eligible for duty free entry under the Generalized System of Preferences. In the event that it becomes necessary to refer this matter to the United States International Trade Commission pursuant to section 303(a)(2), Tariff Act of 1930, as amended, (19 U.S.C. 1301(a)(2)), there is evidence on record concerning injury to, or likelihood of injury to, or prevention of the establishment of an industry in the United States.

Pursuant to section 303(a)(4), Tariff Act of 1930, as amended (19 U.S.C. 1303(a)(4)), the Secretary of the Treasury is required to issue a preliminary determination as to whether or not any bounty or grant is being paid or bestowed within the meaning of that statute within 6 months of receipt, in satisfactory form, of a petition alleging the payment or bestowal of a bounty or grant. A final determination must be issued within 12 months of the receipt of such petition. Therefore, a preliminary determination on this petition will be made no later than July 21, 1977, as to whether or not the alleged payments or bestowals conferred by the Government of Uruguay upon the manufacturer, production, or exportation of the merchandise described above constitute a bounty or grant within the meaning of section 303, Tariff Act of 1930, as amended. A final determination will be issued no later than January 21, 1978.

This notice is published pursuant to section 303(a)(3) of the Tariff Act of 1930, as amended (19 U.S.C. 1303(a)(3)), and § 159.47(c), Customs Regulations (19 CFR 159.47(c)).

G. R. DICKERSON,

Acting Commissioner of Customs.

Approved: April 19, 1977.

JOHN H. HARPER,

Acting Secretary of the Treasury.

[FR Doc. 77-12046 Filed 4-26-77; 8:45 am]

Customs Service

PRIVACY ACT OF 1974

Proposed Establishment of a New System of Records

AGENCY: United States Customs Service (Department of the Treasury).

ACTION: Notice of Intent.

SUMMARY: This notice is an advice to the public that the United States Customs Service is proposing to establish a new system of records on individuals called the Early Implementation System (EIS), which is subject to reporting and notice requirements of the Privacy Act of 1974. The purpose of this particular notice is to give every member of the public thirty days to comment on the proposed uses of the system described. Written comments will be considered if received within that time. If none are received, another notice will be published

at the end of thirty days adopting the system.

The Early Implementation System combines two existing Privacy Act Systems with four existing business files to create a new Privacy Act System. It is a computer system providing immediate delivery control, entry scheduling, and collection processing for commercial importations. It gives Customs field offices ready access to entry information for handling daily transactions and for related management and statistical purposes. It includes capabilities to store and correct erroneous entries, increase flexibility in entry selection criteria, and to improve file structures and will increase operating efficiency and speed-up merchandise processing.

When this system is adopted in final form, the Customs Service intends to cancel the two existing Privacy Act systems.

CLOSING DATE FOR COMMENTS: Written comments must be received within thirty days of the date of this publication at the address given immediately below.

ADDRESS FOR COMMENTS: Acting Departmental Disclosure Officer, Office of Administrative Programs, United States Department of the Treasury, 1331 G. Street, N.W., Room 300, Washington, D.C. 20220.

FOR FURTHER INFORMATION CONTACT:

John P. Heard, Acting Departmental Disclosure Officer, at the address above, or telephone 202-376-0406.

AUTHORSHIP INFORMATION: William D. Lawlor, Customs Attorney, Freedom of Information and Privacy Branch, Entry Procedures and Penalties Division (R:E:P), U.S. Customs Service, 1301 Constitution Avenue, N.W., Room 2307, Washington, D.C. 20229; telephone 202-566-8467.

SUPPLEMENTARY INFORMATION: The United States Customs Service proposes to establish a new system of records described as the Early Implementation System (EIS), Customs 00.278.

A new system report was submitted to the Speaker of the House, the President of the Senate, the Privacy Protection Study Commission and the Office of Management and Budget (OMB) on February 4, 1977. The proposed system notice is set out below.

Any interested person may submit written data, views, or arguments on the proposed routine uses of the records contained in the system, including the categories of users, and the purposes of such uses, to the Acting Departmental Disclosure Officer at the "Address for Comments" given above within 30 days of the date of this publication.

All written comments received from the public by then will be considered by the Department before taking action on the final notice of adoption. Comments received will also be available for public inspection at the above address between the hours of 9:00 a.m. and 5:30 p.m.,

Monday through Friday, except public holidays.

Dated: April 22, 1977.

WARREN F. BRECHT,
*Assistant Secretary
(Administration.)*

System name:

Early Implementation System. (EIS)
—Treasury/Customs.

System location:

The Computer is located at 1900 West Park Drive, McLean, Virginia 23701. Computer terminals are located at Customhouses and ports throughout the United States and at U.S. Customs Headquarters, Washington, D.C. (For addresses of Customhouses see Customs Appendix A.)

Categories of individuals covered by the system:

U.S. Customs Service employees and individuals involved in the import trade.

Categories of records in the system:

The system data base is comprised of commodity and merchandise processing information relating to Customs administration of trade laws. Certain portions contain no information about individuals. These are the Tariff Schedules of the United States Annotated (TSUSA), file, country, file, criteria file for the selection of routine items, Team TSUSA file district port file, and the entry master file. The following system files may contain information about U.S. Customs Service employees and/or individuals/companies involved in the import trade.

(1) Authorized Terminals Users File: Contains randomly established five-digit identification codes and passwords assigned to Customs Service employees authorized to use the system. The file consists of the names and identification of all Customs Service employees using the remote terminals to input information into the system. It does not contain Social Security numbers. The degree of access to the system varies according to the users' responsibilities in the system. This file is now published as the Operator Identification File, Treasury/Customs 00.275, and will be superseded upon final notice of the existence of this system. (2) Importer/Broker/Consignee Bond File: Records consist of importer of record number, importer type, type of importation bond, expiration date, and surety code. The importer of record number is used as the method of accessing the file. The number is assigned by any one of three code formats according to availability and the following hierarchy. The first choice is the IRS Employer Identification number (EIN). The vast majority of importers have the EIN because of the business necessity for it. The second alternative is the Social Security number (SSN). The third alternative is a Customs-assigned number. This file is referenced during entry processing to verify that the individual or company making entry is authorized to import and is prop-

erly bonded. (3) Broker File: A record consists of a three-digit Customs-assigned Customhouse broker number (non-SSN) and the broker name. The file is referenced during entry processing to validate the broker number and to prepare and distribute the Broker ID Performance Report to the individual or company concerned. The subject of the report is compliance with the entry filing requirements under the immediate delivery program. Information is disclosed only to the party-of-record. (4) Surety File: A record consists of a three-digit surety code (non-SSN) assigned by the Customs Accounting Division and the surety name. The file is referenced during entry processing to validate these surety codes. No information on surety company affairs is collected or disseminated in the system. (5) Liquidator File: A record consists of a Customs-assigned three-digit liquidator identification (non-SSN) and a Customs employee's name. The employee's liquidator code is input into the system as a means of maintaining quality control and an audit trail on entries liquidated. This file is now published as the Automated Merchandise Processing System (AMPS) Liquidation File, Treasury/Customs 00.025, and will be superseded upon final notice of the existence of this system. (6) Manufacturer File: The file contains only a three-digit manufacturer code number (non-SSN) and manufacturer name.

Authority for maintenance of the system:

19 U.S.C. 66, 1448, 1481, 1483, 1484, 1505, and 1624.

Routine uses of records maintained in the system, including categories of users and the purpose of such uses:

The routine uses of the records contained in this system of records are as follows: (a) Disclosure of those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) To provide the Bureau of the Census with a magnetic tape containing foreign trade data.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Magnetic Disc.

Retrievability:

By identification codes and/or name.

Safeguards:

Access to the computer area is controlled by a security pass arrangement and personnel not connected with the operation of the computer are prohibited from entering. The building security is protected by a uniformed guard. At the ports of processing, terminal rooms are

under close supervision during working hours and locked after close of business. The system security officer issues a unique private five digit identification code to each authorized user. The codes are changed periodically to enhance security. All computer terminals are key-locked when not in use. Access to the Customs computer from other than system terminals is prohibited by hardware controls. Users must input a unique identification code during the terminal log-on procedure to gain access to the system. The identification code is not printed or displayed at the port of processing. The system validates the user ID by transaction type, thereby limiting a system user's access to information on a need-to-know basis. A listing of identification codes of authorized users can be printed only at the computer room site by request of the security officer.

Retention and disposal:

Files are retained indefinitely but are periodically updated to reflect changes, etc.

System manager(s) and address:

Director, AMPS Program Division, Customs Service Headquarters, 1301 Constitution Avenue, NW., Washington, D.C. 20229, is responsible for the security and safeguard of the operating system. Director, Duty Assessment Division, Customs Service Headquarters, 1301 Constitution Avenue NW., Washington, D.C. 20229, is responsible for all data maintained in the files.

Notification procedure:

Requests by an individual to be notified if the system of records contains records pertaining to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, NW., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine of up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signatures.

Record access procedures:

Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its contents, shall be in writing and directed to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature. If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting records procedures:

See Access above.

Record source category:

The system data base is limited to data about individuals and/or companies incidental to the conduct of foreign trade and required by the Customs Service in administering the tariff laws and regulations of the United States. No information concerning any individual's or company's importation activity, bonds status, and compliance or noncompliance with Customs Regulations will be disclosed for nonauthorized purposes to any person other than the party-of-record upon receipt of a written request.

[FR Doc. 77-12129 Filed 4-26-77; 8:45 am]

Fiscal Service

[Dept. Circ. 570, 1976 Rev., Supp. No. 13]

INDIANA BONDING AND SURETY COMPANY

Surety Companies Acceptable on Federal Bonds

A certificate of authority as an acceptable surety on Federal bonds has been issued by the Secretary of the Treasury to the following company under sections 6 to 13 of Title 6 of the United States Code. An underwriting limitation of \$63,000 has been established for the company.

Name of Company, Location of Principal Executive Office, and State in Which Incorporated

Indiana Bonding and Surety Company,
Houston, Texas, Indiana.

Certificates of authority expire on June 30 each year, unless sooner revoked, and new certificates are issued on July 1 so long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of July 1 in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact surety business and other information. Copies of the circular, when issued, may be obtained from the Audit Staff, Bureau of Government Financial Operations, Department of the Treasury, Washington, D.C. 20226.

Dated: April 19, 1977.

D. A. PAGLIAI,
Commissioner, Bureau of
Government Financial Operations.

[PR Doc.77-12030 Filed 4-25-77;8:45 am]

**INTERSTATE COMMERCE
COMMISSION**

[Notice No. 377]

ASSIGNMENT OF HEARINGS

APRIL 22, 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 2232 Sub 11, Gregor Freight Lines, Inc. now being assigned June 8, 1977 (3 days) at Philadelphia, Pennsylvania in a hearing room to be later designated.

MC 142785 Sub 1, Brotherly Love Express, Inc. now being assigned June 7, 1977 (1 day) at Philadelphia, Pennsylvania in a hearing room to be later designated.

MC 120325 Sub 4, Frames, Morrison & Ryan, Inc. now being assigned June 6, 1977 (1 day) at Philadelphia, Pennsylvania in a hearing room to be later designated.

MC 142497 (Sub-1), Atlantic Charter Bus Service, Inc., now assigned May 16, 1977 at Norfolk, Virginia, has been postponed to May 23, 1977 (1 week) in the Grand Jury Room No. 421, U.S. District Courthouse, Federal Building, Norfolk, Virginia.

MC 95466 (Sub-No. 6), Dattco, Inc. application dismissed.

MC 138762 (Sub-No. 1), Municipal Tank Lines Limited, now assigned June 13, 1977, at Buffalo, N.Y. is postponed to June 14, 1977, (9 days), at Buffalo, N.Y., location of hearing room to be later designated.

MC 115162 (Sub-341), Poole Truck Line, Inc., now being assigned June 8, 1977 at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 142754, Pirolo Transport Co., Inc., now being assigned June 15, 1977 at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 59655 (Sub-7), Sheenan Carriers, Inc., now being assigned June 16, 1977 at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 139112 (Sub-11), Calex Express, Inc., now being assigned June 16, 1977 at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 65697 (Sub-52), Theaters Service Company, Inc., now being assigned pre-hearing conference June 21, 1977 at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 142567 (Sub-1), Greenville Transit, Inc., now being assigned June 23, 1977 at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 141084 (Sub-6), National Freight Lines, Inc., now being assigned July 6, 1977 at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 125777 Sub 178, Jack Gray Transport, Inc. now being assigned July 14, 1977 (2 days) at Chicago, Illinois in a hearing room to be later designated.

MC 138627 Sub 15, Smithway Motor Express, Inc. now being assigned July 12, 1977 (2 days) at Chicago, Illinois in a hearing room to be later designated.

MC 142304 Sub 1, O'Hare Truck Service, Inc. now being assigned July 18, 1977 (1 week) at Chicago, Illinois in a hearing room to be later designated.

MC 106644 Sub 234, Superior Trucking Co., Inc. now assigned May 9, 1977 at Houston, Texas and May 23, 1977 at Tulsa, Oklahoma is cancelled, application dismissed.

MC 115452 (Sub-No. 4), Husband Transport Limited, now assigned June 6, 1977, at Buffalo, N.Y. is cancelled and application dismissed.

ROBERT L. OSWALD,
Secretary.

[PR Doc.77-12111 Filed 4-26-77;8:47 am]

**IRREGULAR-ROUTE MOTOR COMMON
CARRIERS OF PROPERTY**

Elimination of Gateway Letter Notices

APRIL 22, 1977.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR Part 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before May 9, 1977. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 40215 (Sub-No. E18), filed May 17, 1974. Applicant: RICHARDSON TRANSFER & STORAGE CO., INC., 246 N. Fifth Avenue, Salina, Kans. 67401. Applicant's representative: James F. Flint, Ephraim and Polydoroff, Suite 600, 1250 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, (A) (1) From points in Missouri to points in Arizona, California, Colorado, Nevada, and New Mexico. The purpose of this filing is to eliminate the gateway of Garden City, Kans. (2) From points in Missouri on and north of a line beginning at the Kansas-Missouri state line and extending along Interstate Highway 70, thence east along Interstate Highway 70 to the Missouri-Illinois state line, to points in Arkansas on and west of a line beginning at the Missouri-Arkansas state line and extending along U.S. Highway 65 to junction Arkansas Highway 7, thence south along Arkansas Highway 7 to junction U.S. Highway 67, thence along U.S. Highway 67 to the Arkansas-Texas state line. The purpose of this filing is to eliminate the gateways of Kansas City, Kans. (3) From points in Missouri on and west of a line beginning at the Iowa-Missouri state line and extending along U.S. Highway 65, thence along U.S. Highway 65 to the Missouri-Arkansas state line, to the District of Columbia. The purpose of this filing is to eliminate the gateways of Kansas City, Kans., and Ravenna, Ohio. (4) From points in Missouri to points in Idaho, Iowa, and Kansas. The purpose of this filing is to eliminate the gateway of Kansas City, Kans. (5) From points in Missouri on and south of a line beginning at the Kansas-Missouri state line and extending east along U.S. Highway 50 to the Missouri-Illinois state line, to points in Minnesota on and west of a line beginning at the International Boundary Line between the United States and Canada, and extending south along U.S. Highway 71 to junction Minnesota Highway 6, thence south along Minnesota Highway 6 to junction Minnesota Highway 38, thence south along Minnesota Highway 38 to junction U.S. Highway 169, thence south along U.S. Highway 169 to the Minnesota-Iowa state line. The purpose of this filing is to eliminate the gateway of Kansas City, Kans.

(6) From points in Missouri to points in Nebraska. The purpose of this filing is to eliminate the gateway of Marysville, Kans. (7a) From points in Missouri to points in Oklahoma on and west and north of a line beginning at the Oklahoma-Texas state line and extending along U.S. Highway 70 to junction U.S. Highway 177, thence north along U.S. Highway 177 to junction Interstate Highway 44, to junction Interstate Highway 4, to junction Oklahoma Highway 33, thence along Oklahoma Highway 33 to the Oklahoma-Arkansas state line. (7b) From points in Missouri on and west and north of a line beginning at the Missouri-Arkansas state line, and extending along U.S. Highway 65 to junction U.S. Highway 60, thence east along U.S. Highway 60 to junction Missouri Highway 34, thence along Missouri Highway 34 to the Missouri-Illinois state line, to points in Oklahoma. The purpose of this filing is to eliminate the gateway of Wichita, Kans. (8a) From points in

Missouri to points in South Dakota on and west of a line beginning at the North Dakota-South Dakota state line, and extending south along U.S. Highway 83 to junction U.S. Highway 14, thence east along U.S. Highway 14 to junction South Dakota Highway 47, thence south along South Dakota Highway 47 to the South Dakota-Nebraska state line. (8b) From points in Missouri on and west and south of a line beginning at the Missouri-Iowa state line and extending south along Missouri Highway 5 to junction U.S. Highway 36, thence east along U.S. Highway 36 to the Missouri-Illinois state line, to points in South Dakota. The purpose of this filing is to eliminate the gateway of Topeka, Kans. (9a) From points in Missouri to points in Texas on and west of a line beginning at the Texas-Oklahoma state line, and extending south along U.S. Highway 283 to junction U.S. Highway 87, thence south along U.S. Highway 87 to junction U.S. Highway 81, thence south along U.S. Highway 81 to the International Boundary between United States and Mexico. (9b) From points in Missouri on and west and north of a line beginning at the Missouri-Arkansas state line, and extending north along U.S. Highway 65 to junction U.S. Highway 66, thence northeast along U.S. Highway 66 to the Missouri-Illinois state line, to points in Texas. The purpose of this filing is to eliminate the gateway of Arkansas City, Kans.

(10) From points in Missouri to points in Utah. The purpose of this filing is to eliminate the gateway of Galena, Kans. (11a) From points in Missouri to points in Wyoming on and west of a line beginning at the Wyoming-Montana state line and extending south along Wyoming Highway 120 to junction U.S. Highway 20, hence along U.S. Highway 20 to junction U.S. Highway 26, to junction Wyoming Highway 789 to junction Wyoming Highway 28, thence south along Wyoming Highway 28 to junction U.S. Highway 187, thence south along U.S. Highway 187 to junction U.S. Highway 30 to junction Wyoming Highway 530, thence south along Wyoming Highway 530 to the Wyoming-Utah state line. The purpose of this filing is to eliminate the gateway of Kansas City, Kans. (11b) From points in Missouri on and east and south of a line beginning at the Iowa-Missouri state line and extending south along U.S. Highway 169 to junction U.S. Highway 36, thence west along U.S. Highway 36 to the Missouri-Kansas state line, to points in Wyoming. The purpose of this filing is to eliminate the gateway of Wichita, Kans.

(B) (1) From points in Missouri on and west of a line beginning at the Missouri-Iowa state line and extending south along U.S. Highway 69, to junction Missouri Highway 13, thence south along Missouri Highway 13 to junction Missouri Highway 18, thence west along Missouri Highway 18 to junction U.S. Highway 71, thence south along U.S. Highway 71 to the Missouri-Arkansas state line, to points in Illinois. The purpose of this filing is to eliminate the

gateway of Kansas City, Mo. (2) From points in Missouri on and west of a line beginning at the Missouri-Iowa state line and extending south along U.S. Highway 68 to junction Missouri Highway 13, thence along Missouri Highway 13 to junction U.S. Highway 54, thence west along U.S. Highway 54 to junction U.S. Highway 71, thence south along U.S. Highway 71 to the Missouri-Arkansas state line, to points in Indiana. The purpose of this filing is to eliminate the gateway of Kansas City, Kans. (3) From points in Missouri on and west of a line beginning at the Iowa-Missouri state line, and extending along U.S. Highway 65, thence south along U.S. Highway 65 to the Missouri-Arkansas state line, to points in Kentucky. The purpose of this filing is to eliminate the gateway of Pittsburg, Kans. (4) From points in Missouri on and west of a line beginning at the Missouri-Iowa state line and extending south along U.S. Highway 65 to the Missouri-Arkansas state line, to points in Maryland on and east and south of a line beginning at the Maryland-West Virginia state line and extending north along U.S. Highway 11 to the Maryland-Pennsylvania state line. The purpose of this filing is to eliminate the gateways of Kansas City, Kans., and Ravenna, Ohio. (5a) From points in Missouri to points in Michigan on and west of a line beginning at Lake Superior and extending along Michigan Highway 28 thence east along Michigan Highway 28 to junction Michigan Highway 95, thence south on Michigan Highway 95 to the Michigan-Wisconsin state line. (5b) From points in Missouri on and west of a line beginning at the Iowa-Missouri state line and extending along Missouri Highway 13, thence south on Missouri Highway 13 to junction Missouri Highway 39, thence along Michigan Highway 39 to the Missouri-Arkansas state line, to points in Michigan on and south of a line beginning at Lake Michigan and extending along U.S. Highway 10, thence east along U.S. Highway 10 to junction Michigan Highway 25, thence along U.S. Highway 25 to its termination at Lake Huron. The purpose of this filing is to eliminate the gateway of Kansas City, Kans. (6) From points in Missouri on and west of a line beginning at the Iowa-Missouri state line and extending south along U.S. Highway 65 to the Missouri-Kansas state line, to points in New York.

The purpose of this filing is to eliminate the gateways of Ravenna, Ohio and Kansas City, Kans. (7) From points in Missouri on and west of a line beginning on the Iowa-Missouri state line, and extending along U.S. Highway 65, thence south on U.S. Highway 65 to the Missouri-Arkansas state line, to points in North Carolina. The purpose of this filing is to eliminate the gateway of Ft. Scott, Kans. (8) From points in Missouri on and west of a line beginning at the Missouri-Iowa state line and extending south along U.S. Highway 69, to junction Missouri Highway 13, thence south along Missouri Highway 13 to junction

Missouri Highway 39, thence south along Missouri Highway 39 to the Missouri-Arkansas state line. The purpose of this filing is to eliminate the gateway of Kansas City, Kans. (9) From points in Missouri on and west of a line beginning at the Missouri-Iowa state line and extending south along U.S. Highway 65 to the Missouri-Arkansas state line, to points in Pennsylvania. The purpose of the filing is to eliminate the gateways of Galena, Kans. and Ravenna, Ohio.

(10) From points in Missouri on and west of a line beginning at the Missouri-Iowa state line and extending south along U.S. Highway 65 to junction Missouri Highway 83, thence west along Missouri Highway 83 to junction U.S. Highway 54 thence west along U.S. Highway 54 to junction U.S. Highway 71, thence south along U.S. Highway 71 to the Missouri-Arkansas state line, to points in Tennessee. The purpose of this filing is to eliminate the gateway of Kansas City, Kans. (11) From points in Missouri on and west of a line beginning at the Missouri-Iowa state line and extending south along U.S. Highway 65 to junction Missouri Highway 52, thence west along Missouri Highway 52 to junction Missouri Highway 18, thence west along Missouri Highway 18 to junction U.S. Highway 71, thence south along U.S. Highway 71 to the Missouri-Arkansas state line, to points in Virginia on and east of a line beginning at the North Carolina-Virginia state line and extending north and east along U.S. Highway 258, to junction Virginia Highway 32, thence along Virginia Highway 32 to junction U.S. Highway 17, thence north along U.S. Highway 17, to junction U.S. Highway 522, thence north along U.S. Highway 522 to the Virginia-West Virginia state line. The purpose of this filing is to eliminate the gateways of Kansas City, Kans. and Ravenna, Ohio.

(12) From points in Missouri on and west of a line beginning at the Missouri-Iowa state line and extending south along U.S. Highway 65 to the Missouri-Arkansas state line, to points in West Virginia. The purpose of this filing is to eliminate the gateway of Kansas City, Kans. (13) From points in Missouri on and south and west of a line beginning at the Missouri-Kansas state line and extending east along U.S. Highway 36 to junction Missouri 13, thence south along Missouri Highway 13 to U.S. Highway 65, thence south along U.S. Highway 65 to the Missouri-Arkansas state line, to points in Wisconsin on and east and north of a line beginning at the Wisconsin-Minnesota state line and extending south along U.S. Highway 53 to junction U.S. Highway 8, thence east along U.S. Highway 8 to junction Wisconsin Highway 47, thence south along Wisconsin Highway 47 to junction Wisconsin Highway 64, thence east along Wisconsin Highway 64 to the Wisconsin-Michigan state line. The purpose of this filing is to eliminate the gateway of Ft. Scott, Kans.

(C) (1) From points in Missouri on and west of a line beginning at the Missouri-Iowa state line, and extending south

along U.S. Highway 69 to junction Missouri Highway 13, thence south along Missouri Highway 13 to junction U.S. Highway 54, thence west along U.S. Highway 54 to junction Missouri Highway 39, thence south along Missouri Highway 39 to junction Missouri Highway 89, thence south along Missouri Highway 89 to the Missouri-Arkansas state line, to points in Louisiana. The purpose of this filing is to eliminate the gateway of Kansas City, Kans.

No. MC 40215 (Sub-No. E19), filed May 17, 1974. Applicant: RICHARDSON TRANSFER & STORAGE CO., INC., 246 N. Fifth Avenue, Salina, Kans. 67401. Applicant's representative: James F. Flint, Ephraim and Plydoroff, Suite 600, 1250 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household Goods*, as defined by the Commission, A(1a) from points in Nebraska on and east of a line beginning at the Nebraska-South Dakota state line and extending along Nebraska Highway 61 to junction Interstate Highway 80, thence southwest along Interstate Highway 80 to the Nebraska-Colorado state line, to points in Arizona; (1b) from points in Nebraska to points in Arizona on and south of a line beginning at the Arizona-California state line, and extending along U.S. Highway 66, thence north and east on U.S. Highway 66 to the Arizona-New Mexico state line. The purpose of this filing is to eliminate the gateway of Garden City, Kans. (2) From points in Nebraska to points in Arkansas. The purpose of this filing is to eliminate the gateway of Galena, and Kansas City, Kans. (3a) From points in Nebraska on and east and south of a line beginning at the Nebraska-Kansas state line and extending along U.S. Highway 83, thence north along U.S. Highway 83 to junction Nebraska Highway 70, thence east along Nebraska Highway 70 to junction Nebraska Highway 22, thence east along Nebraska Highway 22 to junction U.S. Highway 30, thence east along U.S. Highway 30 to the Nebraska-Iowa state line, to points in California on and south and west of a line beginning at the Oregon-California state line and extending along Interstate Highway 5, thence along Interstate Highway 5 to the junction of California Highway 36, thence northeast along California Highway 36 to the California-Nevada state line. The purpose of this filing is to eliminate the gateway of Pratt and Salina, Kans. (3b) From points in Nebraska on and east of a line beginning at the Nebraska-South Dakota state line, and extending along U.S. Highway 83, thence along U.S. Highway 83 to the Nebraska-Kansas state line, to points in California west of a line beginning at the Oregon-California state line, and extending along Interstate Highway 5 to junction California Highway 36, thence along California Highway 36 to junction U.S. Highway 101, thence along U.S. Highway 101 to the Pacific Ocean. The purpose of this filing

is to eliminate the gateways of Garden City, Kans.

(4) From points in Nebraska to points in the District of Columbia. The purpose of this filing is to eliminate the gateways of Ravenna, Ohio and Kansas City, Mo. (5) From points in Nebraska on and north and east of a line beginning at the Kansas-Nebraska state line, and extending north along U.S. Highway 81 to junction Interstate Highway 80, thence east along Interstate Highway 80 to the Nebraska-Iowa state line, to points in Idaho. The purpose of this to eliminate the gateway of Topeka, Kans. (6) From points in Nebraska to points in Illinois on and south of a line beginning at the Illinois-Iowa state line and extending along U.S. Highway 136 to junction Illinois Highway 9 to junction U.S. Highway 150, thence east along U.S. Highway 150 to the Indiana-Illinois state line. The purpose of this filing is to eliminate the gateway of Kansas City, Kans. (7) From points in Nebraska to points in Indiana on and south of a line beginning at the Illinois-Indiana state line and extending along U.S. Highway 36, thence east along U.S. Highway 36 to the Indiana-Ohio state line. The purpose of this filing is to eliminate the gateway of Kansas City, Kans. (8) From points in Nebraska to points in Kentucky. The purpose of this filing is to eliminate the gateway of Kansas City, Kans. (9) From points in Nebraska to points in Louisiana. The purpose of this filing is to eliminate the gateways of Independence and Marion, Kans. (10) From points in Nebraska to points in Maryland. The purpose of this filing is to eliminate the gateways of Kansas City, Kans., and Ravenna, Ohio. (11a) From points in Nebraska on and west and south of a line beginning at the Kansas-Nebraska state line, and extending north along U.S. Highway 83 to junction U.S. Highway 30, thence west along U.S. Highway 30 to the Nebraska-Wyoming state line, to points in Michigan. (11b) From points in Nebraska on and west of a line beginning at the South Dakota-Nebraska state line and extending along U.S. Highway 83, thence south along U.S. Highway 83 to the Nebraska-Kansas state line, to points in Michigan on and southeast of a line beginning at Lake Huron and extending along Michigan Highway 21, thence west along Michigan Highway 21 to junction U.S. Highway 127, thence south along U.S. Highway 127 to the Indiana-Michigan state line. The purpose of this filing is to eliminate the gateways of Manhattan, Marysville, and Kansas City, Kans.

(12) From points in Nebraska to points in Missouri. The purpose of this filing is to eliminate the gateways of Topeka and Kansas City, Kans. (13) From points in Nebraska on and east of a line beginning at the Nebraska-Iowa state line, and extending along Interstate Highway 86 to junction Nebraska Highway 50, thence along Nebraska Highway 50 to the Nebraska-Kansas state line, to points in Nevada on and east and north of a line beginning at the Nevada-Oregon state line and extending south

on Nevada Highway 51 to junction U.S. Highway 40, and thence along U.S. Highway 40 to the Nevada-Utah state line. (13b) From points in Nebraska on and east of a line beginning at the Nebraska-South Dakota state line, and extending along U.S. Highway 83 to the Nebraska-Kansas state line, to points in Nevada on and south of a line beginning at the California-Nevada state line, and extending along U.S. Highway 40 to the Nevada-Utah state line. (13c) From points in Nebraska on and east of a line beginning at the Nebraska-South Dakota state line and extending south along U.S. Highway 183 to the Nebraska-Kansas state line, to points in Nevada on and west and south of a line beginning at the Nevada-Oregon state line, and extending south along Nevada Highway 51 to junction U.S. Highway 40, thence extending east along U.S. Highway 40 to the Nevada-Utah state line. The purpose of these filings is to eliminate the gateway of Topeka, Garden City and Kansas City, Kans. (14) From points in Nebraska to points in New Mexico. The purpose of this filing is to eliminate the gateways of Topeka, and Garden City, Kans. (15a) From points in Nebraska to points in New York on and east and south of a line beginning at Lake Ontario and extending south along U.S. Highway 15, to junction New York Highway 21, thence along New York Highway 21 to the New York-Pennsylvania state line. (15b) From points in Nebraska on and west and south of a line beginning at the Nebraska-South Dakota state line, and extending along U.S. Highway 81 to junction U.S. Highway 275, thence east along U.S. Highway 275 to junction Nebraska Highway 51, thence along Nebraska Highway 51 to the Nebraska Iowa state line, to points in New York. The purpose of this filing is to eliminate the gateways of Marysville, Kans. and Ravenna, Ohio. (16) From points in Nebraska to points in North Carolina. The purpose of this filing is to eliminate the gateway of Kansas City, Kans.

(17a) From points in Nebraska to points in Ohio on and south of a line beginning at the Indiana-Ohio state line, and extending along Interstate Highway 70 to the Ohio-West Virginia state line. (17b) From points in Nebraska on and west and north of a line beginning at the Nebraska-Kansas state line and extending north along U.S. Highway 77 to junction Nebraska Highway 79, thence north along Nebraska Highway 79 to junction Nebraska Highway 92, thence west along Nebraska Highway 92 to junction U.S. Highway 81, thence north along U.S. Highway 81 to junction Nebraska Highway 22, thence north along Nebraska Highway 22 to junction Nebraska Highway 70, thence west along Nebraska Highway 70 to junction U.S. Highway 83, thence north along U.S. Highway 83 to the Nebraska-South Dakota state line, to points in Ohio. The purpose of this filing is to eliminate the gateway of Marysville, Kansas City, Kans., Kansas-Nebraska Highway 77 to state line. (18) From points in Nebraska to points in

Oklahoma. The purpose of this filing is to eliminate the gateway of points in Kansas. (19) From points in Nebraska to points in Pennsylvania. The purpose of this filing is to eliminate the gateways of Marysville, Kansas City, Kans. and Ravenna, Ohio. (20) From points in Nebraska to points in Tennessee. The purpose of this filing is to eliminate the gateway of points in Kansas. (21) From points in Nebraska to points in Texas. The purpose of this filing is to eliminate the gateway of points in Kansas. (22) From points in Nebraska, to points in Virginia on and east of a line beginning at the Virginia-West Virginia state line, and extending southeast along Virginia Highway 29 to junction U.S. Highway 60, thence east along U.S. Highway 60 to junction U.S. Highway 29, thence south along U.S. Highway 29 to the Virginia-North Carolina state line. The purpose of this filing is to eliminate the gateways of Marysville, Kans. and Ravenna, Ohio.

(23) From points in Nebraska to points in West Virginia. The purpose of this filing is to eliminate the gateway of Kansas City, Kans. B. (1a) From points in Nebraska on and east of a line beginning at the Kansas-Nebraska state line and extending north along U.S. Highway 81 to the Nebraska-South Dakota state line, to points in Colorado. (1b) From points in Nebraska on and east of a line beginning at the Kansas-Nebraska state line, and extending north along U.S. Highway 81, thence along U.S. Highway 81 to the Nebraska-South Dakota state line, to points in Colorado. The purpose of this filing is to eliminate the gateway of points in Kansas. C. From points in Nebraska on and west of a line beginning at the Nebraska-South Dakota state line, and extending south along U.S. Highway 26, thence east along U.S. Highway 26 to junction Nebraska Highway 27, thence south along Nebraska Highway 27 to the Nebraska-Colorado state line, to points in Iowa on and south of a line beginning at the Iowa-Illinois state line, and extending west along U.S. Highway 34 to the Iowa-Nebraska state line. The purpose of this filing is to eliminate the gateway of Kansas-Nebraska state line at Highway 77. D. From points in Nebraska on and east and south of a line beginning at the Kansas-Nebraska state line and extending north along U.S. Highway 83 to junction U.S. Highway 34, thence east along U.S. Highway 34 to the Nebraska-Iowa state line, to points in Minnesota on and north of a line beginning at the Minnesota-North Dakota state line and extending east along U.S. Highway 10 to junction Minnesota Highway 210, thence east along Minnesota Highway 210 to junction Minnesota Highway 23, thence north along Minnesota Highway 23 to Lake Superior. The purpose of this filing is to eliminate the gateway of Marysville, Kans.

No. MC 40215 (Sub-No. E20), filed May 17, 1974. Applicant: RICHARDSON TRANSFER & STORAGE CO., INC., 246 N. Fifth Avenue, Salina, Kansas 67401. Applicant's representative: James F.

Flint, Suite 600, 1250 Connecticut Avenue, 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. (1) From points in Nevada, to points in Arkansas, Illinois, Indiana, Iowa, and the District of Columbia. The purpose of this filing is to eliminate the gateways of Garden City, Kans., *Garden City, Kans. and Ravenna, Ohio. (2A) from points in Nevada on and south of a line beginning at the Nevada-California State line, and extending east along U.S. Highway 40 to the Nevada-Utah State line, to points in Kansas. (2B) from points in Nevada on and north of a line beginning at the Nevada-California State line, and extending east along U.S. Highway 40 to the Nevada-Utah State line, to points in Kansas on and south and east of a line beginning at the Kansas-Colorado State line, and extending along U.S. Highway 50, to junction U.S. Highway 183, thence along U.S. Highway 183 to the Kansas-Nebraska State line. The purpose of this filing is to eliminate the gateways of Englewood and Pratt, Kans. (3) from points in Nevada to points in Kentucky. The purpose of this filing is to eliminate the gateways of Pittsburg and Kansas City, Kans. (4) from points in Nevada to points in Maryland. The purpose of this filing is to eliminate the gateways of Ravenna, Ohio, and Garden City, Kans. (5) from points in Nevada to points in Michigan. The purpose of this filing is to eliminate the gateway of Garden City, Kans. (6A) from points in Nevada on and west and south of a line beginning at the Oregon-Nevada State line, and extending south along U.S. Highway 95 to junction U.S. Highway 40, thence south along U.S. Highway 40 to the Nevada-California State line, to points in Minnesota on and south of a line beginning at the South Dakota-Minnesota State line, and extending east along Minnesota Highway 30 to junction U.S. Highway 16, thence east along U.S. Highway 16 to the Minnesota-Wisconsin State line. (6B) from points in Nevada on and south of a line beginning at the Nevada-California State line, and extending east along U.S. Highway 50 to the Nevada-Utah State line, to points in Minnesota east and south of a line beginning at the International Boundary line between United States and Canada, and extending south along U.S. Highway 59 to junction U.S. Highway 16, thence west along U.S. Highway 10 to the Minnesota-North Dakota State line. The purpose of this filing is to eliminate the gateway of Garden City, Kans.

(7) From points in Nevada to points in Missouri. The purpose of this filing is to eliminate the gateways of points in Kansas. (8A) From points in Nevada on and west and south of a line beginning at the Nevada-Idaho State line, and extending south along U.S. Highway 51 to junction U.S. Highway 40, thence extending east along U.S. Highway 40 to the Nevada-Utah State line, to points in Nebraska on and east of a line beginning at

the Nebraska-South Dakota State line, and extending south along U.S. Highway 183 to the Nebraska-Kansas State line. The purpose of this filing is to eliminate the gateway of Garden City, Kans. (8B) From points in Nevada on and east and north of a line beginning at the Nevada-Idaho State line, and extending south along Nevada Highway 51 to junction U.S. Highway 40, thence east along U.S. Highway 40 to the Nevada-Utah State line, to points in Nebraska on and east of a line beginning at the Nebraska-Iowa State line and extending west along Interstate Highway 80 to junction Nebraska Highway 50, thence south along Nebraska Highway 50 to the Nebraska-Kansas State line. The purpose of this filing is to eliminate the gateway of Topeka and Garden City, Kans. (8C) From points in Nevada on and south of a line beginning at the Nevada-California State line, and extending east along U.S. Highway 40 to the Nevada-Utah State line, to points in Nebraska on and east of a line beginning at the South Dakota-Nebraska State line, and extending south along U.S. Highway 83 to the Nebraska-Kansas State line. The purpose of this filing is to eliminate the gateway of Garden City, Kans. (9) From points in Nevada to points in New York, Pennsylvania, and West Virginia. The purpose of this filing is to eliminate the gateways of Garden City, Kans., and Ravenna, Ohio. (10) From points in Nevada to points in Ohio. The purpose of this filing is to eliminate the gateway of Garden City, Kans. (11A) From points in Nevada on and north of a line beginning at the Nevada-California State line and extending east along U.S. Highway 6 to the Nevada-Utah State line, to points in Oklahoma. (11B) From points in Nevada to points in Oklahoma on and east of a line beginning at the Kansas-Oklahoma State line, and extending south along U.S. Highway 83 to the Oklahoma-Texas State line. The purpose of this filing is to eliminate the gateway of points in Kansas.

(12A) From points in Nevada on and south of a line beginning at the Nevada-California State line, and extending east along U.S. Highway 6 to junction Nevada Highway 25, thence southeast along Nevada Highway 25 to junction U.S. Highway 93, thence south along U.S. Highway 93 to the Nevada-Arizona State line, to points in South Dakota on and east of a line beginning at the Nebraska-South Dakota State line, and extending north along U.S. Highway 83 to the South Dakota-North Dakota State line. (12B) From points in Nevada on and south and west of a line beginning at the California-Nevada State line, and extending east along U.S. Highway 40 to junction U.S. Highway 95, thence south along U.S. Highway 95 to junction Nevada Highway 31, thence south along Nevada Highway 31 to the Nevada-California State line, to points in South Dakota on and east of a line beginning at the Nebraska-South Dakota State line, and extending north along North Dakota Highway 37 to the South Dakota-North

Dakota State line. The purpose of this filing is to eliminate the gateway of Garden City, Kans.

(13) From points in Nevada to points in Tennessee. The purpose of this filing is to eliminate the gateway of Galena, Kans. (14A) From points in Nevada to points in Texas on and east of a line beginning at the Oklahoma-Texas State line, and extending south along U.S. Highway 87 to junction U.S. Highway 84, thence south along U.S. Highway 84 to junction U.S. Highway 83, thence south along U.S. Highway 83 to the International Boundary between the United States and Mexico. (14B) From points in Nevada on and north of a line beginning at the Nevada-California State line, and extending east along U.S. Highway 40 to the Nevada-Utah State line, to points in Texas on and east of a line beginning at the Texas-New Mexico State line, and extending south along U.S. Highway 87 to junction U.S. Highway 277, thence south along U.S. Highway 277 to the International Boundary line between United States and Mexico. The purpose of this filing is to eliminate the gateways of points in Kansas.

(15) From points in Nevada to points in Virginia on and east of a line beginning at the Kentucky-West Virginia State line, and extending southeast along U.S. Highway 58 to the Virginia-North Carolina State line. The purpose of this filing is to eliminate the gateways of Garden City, Kans., and Ravenna, Ohio. (16A) From points in Nevada to points in Wisconsin on and east and south of a line beginning at Lake Superior and extending south along U.S. Highway 63 to junction Wisconsin Highway 77, thence west along Wisconsin Highway 77 to the Wisconsin-Minnesota State line. (16B) From points in Nevada on and south of a line beginning at the Nevada-California State line, and extending east along U.S. Highway 40 to the Nevada-Utah State line, to all points in Wisconsin. The purpose of this filing is to eliminate the gateway of Garden City, Kans.

No. MC 40215 (Sub-No. E22), filed May 17, 1974. Applicant: RICHARD TRANSFER & STORAGE CO., INC., 246 North Fifth Avenue, Salina, Kans. 67401. Applicant's representative: James F. Flint, Ephraim and Polydoroff, Suite 600, 1250 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, (1) from points in New York to points in Arizona, California, Idaho, Nevada, New Mexico, and Utah. The purpose of this filing is to eliminate the gateway of Ravenna, Ohio and Garden City, Kans. (2) From points in New York to points in Arkansas on and west of a line beginning at the Missouri-Kansas state line, and extending south along U.S. Highway 71 to junction U.S. Highway 70, thence west along U.S. Highway 70 to the Arkansas-Oklahoma state line. The purpose of this filing is to eliminate the gateways of Ravenna, Ohio and Galena, Kans. (3) From points in New York

to points in Colorado. The purpose of this filing is to eliminate the gateways of Ravenna, Ohio and Topeka, Kans. (4) from points in New York to points in Kansas. The purpose of this filing is to eliminate the gateways of Ravenna, Ohio and Kansas City, Mo. (5) From points in New York to points in Missouri on and west of a line beginning at the Iowa-Missouri state line, and extending south along U.S. Highway 65 to the Missouri-Arkansas state line. The purpose of this filing is to eliminate the gateways of Ravenna, Ohio and Kansas City, Kans. (6a) From points in New York to points in Nebraska on and west and south of a line beginning at the South Dakota-Nebraska state line and extending along U.S. Highway 81 to junction U.S. Highway 275, thence east along U.S. Highway 275 to junction Nebraska Highway 51, thence along Nebraska Highway 51 to the Nebraska-Iowa state line. (6b) From points in New York on and east of a line beginning at Lake Ontario, at or near Rochester, N.Y., and extending south along U.S. Highway 15 to junction New York Highway 21, thence south along New York Highway 21 to the New York-Pennsylvania state line, to points in Nebraska. The purpose of this filing is to eliminate the gateways of Ravenna, Ohio, Kansas City and Marysville, Kans.

(7) From points in New York to points in Oklahoma. The purpose of this filing is to eliminate the gateways of Ravenna, Ohio, Kansas City, Kans., Fort Scott, Kans., Galena, Kans. (8) From points in New York to points in South Dakota. The purpose of this filing is to eliminate the gateways of Ravenna, Ohio, Marysville, Manhattan and Kansas City, Kans., and Kansas City, Mo. (9) From points in New York to points in Texas. The purpose of this filing is to eliminate the gateways of Ravenna, Ohio and Cheyenne, Kans. (10a) From points in New York to points in Wyoming on and west and south of a line beginning at the Wyoming-Montana state line and extending south along U.S. Highway 87 to junction U.S. Highway 20, thence east along U.S. Highway 20 to the Wyoming-Nebraska state line. (10b) From points in New York beginning at the New York-Vermont state line and extending west along New York Highway 7 to junction U.S. Highway 20 thence along U.S. Highway 20 to the New York-Massachusetts state line, to points in Wyoming. The purpose of this filing is to eliminate the gateways of Ravenna, Ohio and Garden City, Kans.

No. MC 40215 (Sub-No. E23), filed May 17, 1974. Applicant: RICHARDSON TRANSFER & STORAGE CO., INC., 246 North Fifth Avenue, Salina, Kans. 67401. Applicant's representative: James F. Flint, Ephraim and Polydoroff, Suite 600, 1250 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, (1) From points in North Carolina to points in Arkansas on and west of a line beginning at the Missouri-Arkansas state line and extending along U.S.

Highway 62, thence south on U.S. Highway 62 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction Arkansas Highway 96, thence west along Arkansas Highway 96 to the Arkansas-Oklahoma state line. The purpose of this filing is to eliminate the gateway of Galena, Kans. (2) From points in North Carolina to points in Colorado. The purpose of this filing is to eliminate the gateway of Garden City, Kans. (3) From points in North Carolina on and south of a line beginning at the North Carolina-Tennessee state line, and extending along Interstate Highway 40, thence along Interstate Highway 40 to junction U.S. Highway 70, thence east on U.S. Highway 70 to junction U.S. Highway 64, thence east on U.S. Highway 64 to its termination at Manns Harbor and the Atlantic Ocean, to points in Iowa on and west of a line beginning at the Minnesota-Iowa state line, and extending along U.S. Highway 69, thence south on U.S. Highway 69 to the Iowa-Missouri state line. The purpose of this filing is to eliminate the gateways of Kansas City, Mo.-Manhattan, Kans. (4) From points in North Carolina to points in Kansas. The purpose of this filing is to eliminate the gateways of Kansas City, Mo. and Independence, Kans.

(5) From points in North Carolina to those points in Missouri on and west of a line beginning at the Iowa-Missouri state line and extending along U.S. Highway 65, thence along U.S. Highway 65 to the Missouri-Arkansas state line. The purpose of this filing is to eliminate the gateways of Kansas City and Fort Scott, Kans. (6) From points in North Carolina to points in Nebraska. The purpose of this filing is to eliminate the gateways of Kansas City, Kans. (7) From points in North Carolina to points in Oklahoma on and west and north of a line beginning on the Oklahoma-Arkansas state line, and extending west along U.S. Highway 59 to junction U.S. Highway 259, thence south along U.S. Highway 259 to the Oklahoma-Texas state line. The purpose of this filing is to eliminate the gateway of Galena, Kans. (8) From points in North Carolina to points in South Dakota. The purpose of this filing is to eliminate the gateways of Kansas City, Mo. and Manhattan, Kans. (9) From points in North Carolina to points in Texas, north and west of a line beginning at the Texas-Louisiana state line and extending west along U.S. Highway 84 to junction U.S. Highway 59, thence south along U.S. Highway 59 to junction U.S. Highway 77, thence south along U.S. Highway 77 to the Texas-Mexico line. The purpose of this filing is to eliminate the gateway of Galena, Kans.

No. MC 76677 (Sub-No. E1) (Partial Correction), filed May 23, 1974, published in the FEDERAL REGISTER issues of August 20, 1975, September 25, 1975, and December 29, 1976, and republished, as corrected, this issue. Applicant: HALLAMORE MOTOR TRANSPORTATION INC., 795 Plymouth St., Holbrook, Mass. 02343. Applicant's representative: Frank J. Wiener, 15 Court Sq., Boston, Mass.

02108. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (A) *Commodities*, the transportation of which, because of size or weight, require the use of special equipment. The purpose of this filing is to eliminate the gateways of Massachusetts within 50 miles of Boston in (A) (1), (2), (3), (4), (5), (6), and (7); points in Massachusetts within 35 miles of Brockton, Mass., in (A) (8), (9), (10), (11), (12), (13), (14), (15), (16), (17), (18), (19), (20), (21), and (22); and points in Massachusetts within 50 miles of Boston.

NOTE.—The purpose of this partial correction is to state the correct commodity description and the correct gateway territory. The remainder of this letter-notice remains as previously published.

No. MC 105045 (Sub-No. E204), filed March 24, 1976. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, 1020 Pennsylvania St., Evansville, Ind. 47701. Applicant's representative: George H. Veech (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum products* (except commodities in bulk), which, because of their size or weight, require the use of special equipment, except machinery, equipment, materials, and supplies used in, on in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts; *Machinery, materials, equipment, and supplies* used in, or in connection with, the construction, operation, repair, picking up of pipe except the stringing or picking up of pipe in connection with main or trunk pipe lines, from points in Texas to points in Delaware. The purpose of this filing is to eliminate the gateway from the plant site and storage facilities of Consolidated Aluminum Corporation at or near Murphysboro, Ill.

No. MC 105045 (Sub-No. E205), filed March 24, 1976. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, 1020 Pennsylvania St., Evansville, Ind. 47701. Applicant's representative: George H. Veech (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum products* (except commodities in bulk) which, because of their size or weight, require the use of special equipment, except 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 byproducts; *Machinery, materials, equipment, and supplies* used in, or in connection with, the construction, operation, repair, picking up of pipe except the stringing or picking up of pipe in the connection with main or trunk pipe lines, between points in Kansas on and north of a line beginning at the Kansas-Missouri state line

and extending along U.S. Highway 54 to junction U.S. Highway 154, thence along U.S. Highway 154 to U.S. Highway 50, thence along U.S. Highway 50 to the Kansas-Colorado state line, on one hand, and on the other, points in Florida. The purpose of this filing is to eliminate the gateway from the plant site and storage facilities of Consolidated Aluminum Corporation at or near Murphysboro, Ill.

No. MC 105045 (Sub-No. E206), filed March 24, 1976. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, 1020 Pennsylvania St., Evansville, Ind. 47701. Applicant's representative: George H. Veech (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum products* (except commodities in bulk) which, because of their size or weight, require the use of special equipment, except 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 byproducts; *Machinery, materials, equipment, and supplies* used in, or in connection with, the construction, operation, repair, picking up of pipe except the stringing or picking up of pipe in connection with main or trunk pipe lines, between points in Kansas on and north of a line beginning at the Kansas-Missouri state line, and extending along U.S. Highway 54 to junction U.S. Highway 154, thence along U.S. Highway 154 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Kansas-Colorado state line, on the one hand, and, on the other, points in Georgia. The purpose of this filing is to eliminate the gateway from the plant site and storage facilities of Consolidated Aluminum Corporation at or near Murphysboro, Ill.

No. MC 105045 (Sub-No. E207), filed March 24, 1976. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, 1020 Pennsylvania St., Evansville, Ind. 47701. Applicant's representative: George H. Veech (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum products* (except commodities in bulk), which, because of their size or weight, require the use of special equipment, except 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 byproducts; *Machinery, materials, equipment, and supplies* used in, or in connection with, the construction, operation, repair, picking up of pipe except the stringing or picking up of pipe in connection with main or trunk pipe lines, between points in Nebraska, on the one hand, and, on the other, points in Alabama, Florida, and Georgia. The purpose of this filing

is to eliminate the gateway from the plant site and storage facilities of Consolidated Aluminum Corporation, at or near Murphysboro, Ill.

No. MC 105045 (Sub-No. E208), filed March 24, 1976. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, 1020 Pennsylvania St., Evansville, Ind. 47701. Applicant's representative: George H. Veech (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum products* (except commodities in bulk) which, because of their size or weight, require the use of special equipment, except 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 byproducts; *Machinery, materials, equipment, and supplies* used in, or in connection with, the construction operation, repair, picking up of pipe except the stringing or picking up of pipe in connection with main or trunk pipe lines, from points in Missouri to points in North Carolina and east of a line beginning at the North Carolina-South Carolina state line and extending along U.S. Highway 21 to the North Carolina-Virginia state line. The purpose of this filing is to eliminate the gateway from the plant site and storage facilities of Consolidated Aluminum Corporation at or near Murphysboro, Ill.

No. MC 105045 (Sub-No. E209), filed March 24, 1976. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, 1020 Pennsylvania St., Evansville, Ind. 47701. Applicant's representative: George H. Veech (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum products* (except commodities in bulk) which, because of their size or weight, require the use of special equipment, except 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 byproducts; *Machinery, materials, equipment, and supplies* used in, or in connection with, the construction, operation, repair, picking up of pipe except the stringing or picking up of pipe in connection with main or trunk pipe lines, from points in Georgia to points in New Mexico and west of a line beginning at the Colorado-New Mexico state line, and extending along Interstate Highway 25 to junction Interstate Highway 40, thence along Interstate 40 to the New Mexico-Arizona state line. The purpose of this filing is to eliminate the gateway from the plant site and storage facilities of Consolidated Aluminum Corporation at or near Murphysboro, Ill.

No. MC 105045 (Sub-No. E210), filed March 24, 1976. Applicant: R. L. JEF-

FRIES TRUCKING CO., INC., P.O. Box 3277, 1020 Pennsylvania St., Evansville, Ind. 47701. Applicant's representative: George H. Veech (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum products* (except commodities in bulk) which, because of their size or weight, require the use of special equipment, except 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 byproducts; *Machinery, materials, equipment, and supplies* used in, or in connection with, the construction, operation, repair, picking up of pipe except the stringing or picking up of pipe in connection with main or trunk pipe lines, from points in Florida to points in North Dakota and South Dakota. The purpose of this filing is to eliminate the gateway from the plant site and storage facilities of Consolidated Aluminum Corporation at or near Murphysboro, Ill.

No. MC 105045 (Sub-No. E211), filed March 24, 1976. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, 1020 Pennsylvania St., Evansville, Ind. 47701. Applicant's representative: George H. Veech (same as above). Authority sought to operate as a *common carrier*, by motor carrier, over irregular routes, transporting: *Aluminum and aluminum products* (except commodities in bulk) which, because of the size or weight, require the use of special equipment, except 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 byproducts; *Machinery, materials, equipment, and supplies* used in, or in connection with, the construction, operation, repair, picking up of pipe except the stringing or picking up of pipe in connection with main or trunk pipe lines, between points in Florida, on the one hand, and, on the other, points in Iowa. The purpose of this filing is to eliminate the gateway from the plant site and storage facilities of Consolidated Aluminum Corporation at or near Murphysboro, Ill.

No. MC 105045 (Sub-No. E213), filed March 24, 1976. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, 1020 Pennsylvania St., Evansville, Ind. 47701. Applicant's representative: George H. Veech (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum products* (except in bulk), from the National Southwire Aluminum Company, National Aluminum Corporation, and Southwire Aluminum Company at or near Hawesville, Ky., to points in North Dakota, South Dakota, Colorado, and New Mexico. The purpose of this filing is to eliminate the gateway

from the plant site and storage facilities of Consolidated Aluminum Corporation at or near Murphysboro, Ill.

No. MC 105045 (Sub-No. E214), filed March 24, 1976. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, 1020 Pennsylvania St., Evansville, Ind. 47701. Applicant's representative: George H. Veech (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum products* (except commodities in bulk) which, because of their size or weight, require the use of special equipment, except 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 byproducts; *Machinery, materials, equipment, and supplies* used in, or in connection with, the construction, operation, repair, picking up of pipe except the stringing or picking up of pipe in connection with main or trunk pipe lines, from points in Alabama to points in North Dakota, Montana, Washington, Oregon, and Idaho. The purpose of this filing is to eliminate the gateway from the plant site and storage facilities of Consolidated Aluminum Corporation at Carrollton, Ky.

No. MC 105045 (Sub-No. E215), filed March 24, 1976. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, 1020 Pennsylvania St., Evansville, Ind. 47701. Applicant's representative: George H. Veech (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum products* (except commodities in bulk) which, because of their size and weight, require the use of special equipment, from points in Virginia, to points in North Dakota, South Dakota, Montana, Washington, Oregon, Idaho, Wyoming, California, Nevada, Utah, Colorado, and Arizona. The purpose of this filing is to eliminate the gateway from the plant site and storage facilities of Consolidated Aluminum Corporation at Carrollton, Ky.

No. MC 105045 (Sub-No. E216), filed March 24, 1976. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, 1020 Pennsylvania St., Evansville, Ind. 47701. Applicant's representative: George H. Veech (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum products* (except commodities in bulk) which, because of their size and weight, require the use of special equipment, except 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 byproducts; *Machinery, materials, equipment, and supplies* used in, or in connection with, the construction, operation, repair, picking up

of pipe except the stringing or picking up of pipe in connection with main or trunk pipe lines, from points in West Virginia to points in North Dakota, South Dakota, Montana, Washington, Oregon, Idaho, Wyoming, California, Nevada, Utah, Colorado, Arizona, and New Mexico. The purpose of this filing is to eliminate the gateway from the plant site and storage facilities of Consolidated Aluminum Corporation at Carrollton, Ky.

No. MC 105045 (Sub-No. E217), filed March 24, 1976. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, 1020 Pennsylvania St., Evansville, Ind. 47701. Applicant's representative: George H. Veech (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum products* (except commodities in bulk) which, because of size or weight, require the use of special equipment, from the District of Columbia, to points in North Dakota, South Dakota, Montana, Washington, Oregon, Idaho, Wyoming, California, Nevada, Utah, Colorado, Arizona, and New Mexico. The purpose of this filing is to eliminate the gateway from the plant site and storage facilities of Consolidated Aluminum Corporation at Carrollton, Ky.

No. MC 105045 (Sub-No. E218), filed March 24, 1976. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, 1020 Pennsylvania St., Evansville, Ind. 47701. Applicant's representative: George H. Veech (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum products* (except commodities in bulk) which, because of size or weight, require the use of special equipment, from points in Maryland, to points in North Dakota, South Dakota, Montana, Washington, Oregon, Idaho, Wyoming, California, Nevada, Utah, Colorado, Arizona, and New Mexico. The purpose of this filing is to eliminate the gateway from the plant site and storage facilities of Consolidated Aluminum Corporation at Carrollton, Ky.

No. MC 105045 (Sub-No. E219), filed March 24, 1976. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, 1020 Pennsylvania St., Evansville, Ind. 47701. Applicant's representative: George H. Veech (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum products* (except commodities in bulk) which, because of size or weight, require the use of special equipment, from points in Pennsylvania to points in South Dakota on and south of a line beginning at the Minnesota-South Dakota state line and extending along U.S. Highway 14 to the South Dakota-Wyoming state line. The purpose of this filing is to eliminate the gateway from the plant site and storage facilities of Consolidated Aluminum Corporation at Carrollton, Ky.

No. MC 105045 (Sub-No. E220), filed March 24, 1976. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, 1020 Pennsylvania St., Evansville, Ind. 47701. Applicant's representative: George H. Veech (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum products* (except commodities in bulk) which, because of size or weight, require the use of special equipment, from points in Pennsylvania, to points in North Dakota, Montana, Washington, Oregon, Idaho, Wyoming, California, Nevada, Utah, Colorado, Arizona, and New Mexico. The purpose of this filing is to eliminate the gateway from the plant site and storage facilities of Consolidated Aluminum Corporation at Carrollton, Ky.

No. MC 105045 (Sub-No. E221), filed March 24, 1976. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, 1020 Pennsylvania St., Evansville, Ind. 47701. Applicant's representative: George H. Veech (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum products* (except commodities in bulk) which, because of their size or weight, require the use of special equipment, except 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 byproducts; *Machinery, materials, equipment, and supplies* used in, or in connection with the construction, operation, repair, picking up of pipe except the stringing or picking up of pipe in connection with main or trunk pipe lines, from points in the Lower Peninsula of Michigan, to points in California, Arizona and New Mexico. The purpose of this filing is to eliminate the gateway from the plantsite and storage facilities of Consolidated Aluminum Corporation at Carrollton, Ky.

No. MC 105045 (Sub-No. E222), filed March 24, 1976. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, 1020 Pennsylvania St., Evansville, Ind. 47701. Applicant's representative: George H. Veech (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum products* (except commodities in bulk) which, because of their size or weight, require the use of special equipment, except 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 byproducts; *Machinery, materials, equipment, and supplies* used in, or in connection with, the construction, operation, repair, picking up of pipe except the stringing or picking up of pipe in connection with main or trunk pipe lines, from points in Ohio,

to points in Colorado on and west of a line beginning at the Colorado-Nebraska state line, and extending along Colorado Highway 113, to junction U.S. Highway 138, thence along U.S. Highway 138 to junction Colorado Highway 63, thence along Colorado Highway 63 to junction U.S. Highway 287, thence along U.S. Highway 287 to the Colorado-Oklahoma state line. The purpose of this filing is to eliminate the gateway from the plant site and storage facilities of Consolidated Aluminum Corporation at Carrollton, Ky.

No. MC 105045 (Sub-No. E223), filed March 24, 1976. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, 1020 Pennsylvania St., Evansville, Ind. 47701. Applicant's representative: George H. Veech (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum products* (except commodities in bulk) which, because of their size or weight, require the use of special equipment, except 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 byproducts; *Machinery, materials, equipment, and supplies* used in, or in connection with, the construction, operation, repair, picking up of pipe except the stringing or picking up of pipe in connection with main or trunk pipe lines, from points in Ohio to points in New Mexico, Arizona, California, Nevada, Utah, Oregon, Washington, and Idaho. The purpose of this filing is to eliminate the gateway from the plant site and storage facilities of Consolidated Aluminum Corporation at Carrollton, Ky.

No. MC 105045 (Sub-No. E224), filed March 24, 1976. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, 1020 Pennsylvania St., Evansville, Ind. 47701. Applicant's representative: George H. Veech (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum products* (except commodities in bulk) which, because of their size or weight, require the use of special equipment, except 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 byproducts; *Machinery, materials, equipment, and supplies* used in, or in connection with, the construction, operation, repair, picking up of pipe except the stringing or picking up of pipe in connection with main or trunk pipe lines, from points in Mississippi to points in Connecticut, Massachusetts, New Hampshire, Vermont, and Rhode Island. The purpose of this filing is to eliminate the gateway from the plant site and storage facilities of Consolidated Aluminum Corporation at Carrollton, Ky.

No. MC 105045 (Sub-No. E225), filed March 24, 1976. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, 1020 Pennsylvania St., Evansville, Ind. 47701. Applicant's representative: George H. Veech (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum products* (except commodities in bulk) which, because of their size or weight, require the use of special equipment, except 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; *Machinery, materials, equipment, and supplies* used in, or in connection with, the construction, operation, repair, picking up of pipe except the stringing or picking up of pipe in connection with main or trunk pipe lines, from points in Tennessee on and west of a line beginning at the Kentucky-Tennessee state line, and extending along U.S. Highway 65 to the Tennessee-Alabama state line, to points in Connecticut, Rhode Island, New Hampshire, and Vermont. The purpose of this filing is to eliminate the gateway from the plant site and storage facilities of Consolidated Aluminum Corporation at Carrollton, Ky.

No. MC 105045 (Sub-No. E226), filed March 24, 1976. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, 1020 Pennsylvania St., Evansville, Ind. 47701. Applicant's representative: George H. Veech (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum products* (except commodities in bulk) which, because of their size or weight, require the use of special equipment, except 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; *Machinery, materials, equipment, and supplies* used in, or in connection with, the construction, operation, repair, picking up of pipe except the stringing or picking up of pipe in connection with main or trunk pipe lines, from points in Tennessee on and east of a line beginning at the Kentucky-Tennessee state line, and extending along U.S. Highway 65, thence along U.S. Highway 65 to the Tennessee-Alabama state line, to points in North Dakota, South Dakota, Montana, Wyoming, Washington, Oregon, Idaho, California, Nevada, and Utah. The purpose of this filing is to eliminate the gateway from the plant site and storage facilities of Consolidated Aluminum Corporation at Carrollton, Ky.

No. MC 105045 (Sub-No. E227) filed March 24, 1976. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, 1020 Pennsylvania St., Evansville,

Ind. 47701. Applicant's representative: George H. Veech (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum products* (except commodities in bulk) which, because of their size or weight, require the use of special equipment, except 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; *Machinery, materials, equipment, and supplies* used in, or in connection with, the construction, operation, repair, picking up of pipe except the stringing or picking up of pipe in connection with main or trunk pipe lines, from points in Louisiana to points in New Jersey, Delaware, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, and Maine. The purpose of this filing is to eliminate the gateway from the plant site and storage facilities of Consolidated Aluminum Corporation at Carrollton, Ky.

No. MC 105045 (Sub-No. E228), filed March 24, 1976. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, 1020 Pennsylvania St., Evansville, Ind. 47701. Applicant's representative: George H. Veech (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum products* (except commodities in bulk) which, because of their size or weight, require the use of special equipment, except 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; *Machinery, materials, equipment, and supplies*, used in, or in connection with, the construction, operation, repair, picking up of pipe except the stringing or picking up of pipe in connection with main or trunk pipe lines, from points in Arkansas to points in New Jersey and Delaware. The purpose of this filing is to eliminate the gateway from the plant site and storage facilities of Consolidated Aluminum Corporation at Carrollton, Ky.

No. MC 107064 (Sub-No. E431), filed December 19, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr., P.O. Box 2998, Dallas, Tex. 75221. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and potash) from points in Wyoming to points in Parmer, Castro, Swisher, Briscoe, Hall, Bailey, Lamb, Hale, Floyd, Motley, Cochran, Hockley, Lubbock, Crosby, Dickens, Yoakum, Terry, Lynn, Garza, and Kent Counties, Tex., and points on and west

of U.S. Highway 83 in Childress, Cottle, King, and Stonewall Counties, Tex., restricted against the transportation of chemicals. The purpose of this filing is to eliminate the gateway of plant site of Occidental Chemical Company, Hale County, Texas.

No. MC 107064 (Sub-No. E432), filed December 19, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr., P.O. Box 2998, Dallas, Tex. 75221. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and potash) from points in Parmer, Castro, Swisher, Briscoe, Hall, Bailey, Lamb, Hale, Floyd, Motley, Cochran, Hockley, Lubbock, Crosby, Dickens, Yoakum, Terry, Lynn, Garza, and Kent Counties, Tex., and points on and west of U.S. Highway 83 in Childress, Cottle, King, and Stonewall Counties, Tex. The purpose of this filing is to eliminate the gateway of plant site of Occidental Chemical Company in Hale County, Texas.

No. MC 107064 (Sub-No. E433), filed December 19, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr., P.O. Box 2998, Dallas, Tex. 75221. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer solutions and liquid fertilizer ingredients*, in bulk, in tank vehicles from points in Colorado to points in South Carolina on and south of a line commencing at the Georgia-South Carolina State Line and extending along U.S. Highway 378 to Conway, South Carolina, thence along U.S. Highway 701 to the South Carolina-North Carolina State Line restricted against the transportation of chemicals. The purpose of this filing is to eliminate the gateway of plant site of Occidental Chemical Company in Hale County, Texas.

No. MC 107064 (Sub-No. E434), filed December 19, 1975. Applicant: STEERE TANK LINE, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr., P.O. Box 2998, Dallas, Tex. 75221. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and potash) from points in Parmer, Castro, Swisher, Briscoe, Hall, Bailey, Lamb, Hale, Floyd, Motley, Cochran, Hockley, Lubbock, Crosby, Dickens, Yoakum, Terry, Lynn, Garza, and Kent Counties, Tex., and points on and west of U.S. Highway 83 in Childress, Cottle, King, and Stonewall Counties, Tex., to points in Virginia. The purpose of this filing is to eliminate the gateway of plant site of Occidental Chemical Company, Hale County, Texas.

No. MC 107064 (Sub-No. E435), filed December 19, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representa-

tive: H. L. Rice, Jr., P.O. Box 2998, Dallas, Tex., 75221. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except liquid sulphur and petroleum products) from points in Arizona (in and south of Yuma, Maricopa, Gila, Graham and Greenlee Counties, Ariz., to points in Kansas, restricted against the transportation of chemicals. The purpose of this filing is to eliminate the gateway of plantsite of Occidental Chemical Company in Hale County, Texas.

No. MC 107064 (Sub-No. E436), filed December 19, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr., P.O. Box 2998, Dallas, Tex. 75221. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer solutions and liquid fertilizer ingredients*, in bulk, in tank vehicles from points in Colorado to points in Georgia on and south of a line commencing at the Alabama-Georgia State Line and extending along U.S. Highway 78 to Atlanta, Georgia, thence along Interstate Highway 20 to the Georgia-South Carolina State Line, restricted against the transportation of chemicals. The purpose of this filing is to eliminate the gateway of plant site of Occidental Chemical Company in Hale County, Tex.

No. MC 107064 (Sub-No. E437), filed December 19, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr., P.O. Box 2998, Dallas, Tex. 75221. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and potash) from points in Farmer, Castro, Swisher, Briscoe, Hall, Bailey, Lamb, Hale, Floyd, Motley, Cochran, Hockley, Lubbock, Crosby, Dickens, Yoakum, Terry, Lynn, Garza, and Kent Counties, Texas and points on and West of U.S. Highway 83 in Childress, Cottle, King, and Stonewall Counties, Tex., to points in North Dakota. The purpose of this filing is to eliminate the gateway of plant site of Occidental Chemical Company in Hale County, Texas.

No. MC 107064 (Sub-No. E438), filed December 19, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr., P.O. Box 2998, Dallas, Tex. 75221. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except liquid sulphur and petroleum products) from points in Georgia on and south of a line commencing at the Alabama-Georgia State Line and extending along U.S. Highway 78 to Atlanta, Georgia, thence along Interstate Highway 20 to the Georgia-South Carolina State Line to points in Colorado, restricted against the transportation of chemicals. The purpose of this filing is to eliminate the gate-

way of plant site of Occidental Chemical Company in Hale County, Texas.

No. MC-107064 (Sub-No. E439), filed December 19, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr., P.O. Box 2998, Dallas, Tex. 75221. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and potash) from points in Michigan to points in Farmer, Castro, Swisher, Briscoe, Hall, Bailey, Lamb, Hale, Floyd, Motley, Cochran, Hockley, Lubbock, Crosby, Dickens, Yoakum, Terry, Lynn, Garza, and Kent Counties, Tex., and points on and west of U.S. Highway 83 in Childress, Cottle, King, and Stonewall Counties, Tex., restricted against the transportation of chemicals. The purpose of this filing is to eliminate the gateway of plant site of Occidental Chemical Company in Hale County, Tex.

No. MC-107064 (Sub-No. E440), filed December 19, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's Representative: H. L. Rice, Jr., P.O. Box 2998, Dallas, Tex. 75221. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilized ingredients* (except liquid sulphur and petroleum products (from points in Indiana, points in New Mexico on, south and west of a line beginning at the Colorado-New Mexico State Line and extending along U.S. Highway 84 to its intersection with U.S. Highway 66, thence along U.S. Highway 66 to the New Mexico-Texas State Line restricted against the transportation of chemicals. The purpose of this filing is to eliminate the gateway of plant site of Occidental Chemical Company in Hale County, Texas.

No. MC-107064 (Sub-No. E451), filed December 19, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr., P.O. Box 2998, Dallas, Tex. 75221. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and potash) from points in California to points in Farmer, Castro, Swisher, Briscoe, Hall, Bailey, Lamb, Hale, Floyd, Motley, Cochran, Hockley, Lubbock, Crosby, Dickens, Yoakum, Terry, Lynn, Garza, and Kent Counties, Tex., and points on and west of U.S. Highway 83 in Childress, Cottle, King, and Stonewall Counties, Tex., restricted against transportation of chemicals. The purpose of this filing is to eliminate the gateway of the plantsite of Occidental Chemical Company in Hale County, Tex.

No. MC-107064 (Sub-No. E452), filed December 19, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr., P.O. Box 2998, Dallas, Tex. 75221. Authority sought to

operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and potash) from points in North Dakota to points in Farmer, Castro, Swisher, Briscoe, Hall, Bailey, Lamb, Hale, Floyd, Motley, Cochran, Hockley, Lubbock, Crosby, Dickens, Yoakum, Terry, Lynn, Garza, and Kent Counties, Tex., and points on and west of U.S. Highway 83 in Childress, Cottle, King, and Stonewall Counties, Tex., restricted against the transportation of chemicals. The purpose of this filing is to eliminate the gateway of the plantsite of Occidental Chemical Company in Hale County, Tex.

No. MC 107064 (Sub-No. E453), filed December 19, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr., P.O. Box 2998, Dallas, Tex. 75221. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and potash) from points in Georgia to points in Farmer, Castro, Swisher, Briscoe, Hall, Bailey, Lamb, Hale, Floyd, Motley, Cochran, Hockley, Lubbock, Crosby, Dickens, Yoakum, Terry, Lynn, Garza, and Kent Counties, Tex., and points on and west of U.S. Highway 83 in Childress, Cottle, King and Stonewall Counties, Tex. The purpose of this filing is to eliminate the gateway of the plantsite of Occidental Chemical Company in Hale County, Tex.

No. MC 107064 (Sub-No. E454), filed December 19, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr., P.O. Box 2998, Dallas, Tex. 75221. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer*, in bags, from points in Oklahoma (except points in Cimarron, Texas, and Beaver Counties, Oklahoma) to points in Arizona in and south of Yuma, Maricopa, Gila, Graham and Greenlee Counties, Ariz., restricted against the transportation of chemicals. The purpose of this filing is to eliminate the gateway of the plantsite of Occidental Chemical Company in Hale County, Tex.

No. MC 107064 (Sub-No. E455), filed December 19, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr., P.O. Box 2998, Dallas, Tex. 75221. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and potash) from points in Minnesota to points in Farmer, Castro, Swisher, Briscoe, Hall, Bailey, Lamb, Hale, Floyd, Motley, Cochran, Hockley, Lubbock, Crosby, Dickens, Yoakum, Terry, Lynn, Garza, and Kent Counties, Tex., and points on and west of U.S. Highway 83 in Childress, Cottle, King, and Stonewall Counties, Tex., re-

stricted against the transportation of chemicals. The purpose of this filing is to eliminate the gateway of the plantsite of Occidental Chemical Company in Hale County, Texas.

No. MC 107064 (Sub-No. E456), filed December 19, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr., P.O. Box 2998, Dallas, Tex. 75221. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except liquid sulphur and petroleum products) from points in Arkansas to points in New Mexico on and south of U.S. Highway 66, restricted against the transportation of chemicals. The purpose of this filing is to eliminate the gateway of plantsite of Occidental Chemical Company in Hale County, Texas.

No. MC 107064 (Sub-No. E457), filed December 19, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr., P.O. Box 2998, Dallas, Tex. 75221. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and potash) from points in Virginia to points in Parmer, Castro, Swisher, Briscoe, Hall, Bailey, Lamb, Hale, Floyd, Motley, Cochran, Hockley, Lubbock, Crosby, Dickens, Yoakum, Terry, Lynn, Garza, and Kent Counties, Tex., and points on and west of U.S. Highway 83 in Childress, Cottle, King, and Stonewall Counties, Tex., restricted against the transportation of chemicals. The purpose of this filing is to eliminate the gateway of plantsite of Occidental Chemical Company, Hale County, Texas.

No. MC 107064 (Sub-No. E458), filed December 19, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr., P.O. Box 2998, Dallas, Tex. 75221. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except liquid sulphur and petroleum products), from points in Arizona in and south of Yuma, Maricopa, Gila, Graham and Greenlee Counties, Ariz., to points in Oklahoma (except points in Cimarron, Texas, and Beaver Counties, Okla.), restricted against the transportation of chemicals. The purpose of this filing is to eliminate the gateway of plantsite of Occidental Chemical Company in Hale County, Texas.

No. MC 107064 (Sub-No. E459), filed December 19, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr., P.O. Box 2998, Dallas, Tex. 75221. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients*

(except petroleum products and potash) from points in Parmer, Castro, Swisher, Briscoe, Hall, Bailey, Lamb, Hale, Floyd, Motley, Cochran, Hockley, Lubbock, Crosby, Dickens, Yoakum, Terry, Lynn, Garza, and Kent Counties, Tex., and points on and west of U.S. Highway 83 in Childress, Cottle, King, and Stonewall Counties, Tex., to points in Georgia. The purpose of this filing is to eliminate the gateway of plantsite of Occidental Chemical Company in Hale County, Texas.

No. MC 107064 (Sub-No. E460), filed December 19, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Texas 75221. Applicant's representative: H. L. Rice, Jr., P.O. Box 2998, Dallas, Texas 75221. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer solutions and liquid fertilizer ingredients*, in bulk, in tank vehicles from points in Colorado to points in Alabama on and South of a line commencing at the Mississippi-Alabama State line and extending along U.S. Highway 82 to Tuscaloosa, Alabama, thence along U.S. Highway 11 to the Alabama-Georgia State line, restricted against the transportation of chemicals. The purpose of this filing is to eliminate the gateway of plantsite of Occidental Chemical Company in Hale County, Texas.

No. MC 113855 (Sub-No. E390), filed July 2, 1976. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd. SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal and Metal articles*, between points in Missouri on and west of U.S. Highway 71 beginning at the Missouri-Iowa State line to St. Joseph, Mo., on the one hand, and, on the other, points in Massachusetts on and east of Massachusetts Highway 12, New York on and south of U.S. Highway 44 beginning at the New York-Connecticut State line, thence along U.S. Highway 44 to junction U.S. Highway 20, thence along U.S. Highway 209 to the New York-Pennsylvania State line, and points in Connecticut and Rhode Island. The purpose of this filing is to eliminate the gateways of South Dakota and points in Pennsylvania on and east of a line beginning at the Maryland-Pennsylvania State line and extending along unnumbered highway (formerly portion U.S. Highway 15) to junction business U.S. Highway 15 near Fairplay, Pa., thence along Business U.S. Highway 15 through Gettysburg, Pa., to junction U.S. Highway 15, thence along U.S. Highway 15 to junction unnumbered highway (formerly portion U.S. Highway 15), thence along unnumbered Highway through Clearspring, Pa., to junction U.S. Highway 15, then along U.S. Highway 15 to the Pennsylvania-New York State line (except points in Berks, Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties, Pa.,

of U.S. Highway 15 and north of the East of the above described line in Adams, York, Cumberland, Perry, Dauphin, Lebanon, and Lancaster Counties, Pa., and points in Pennsylvania on and east of U.S. Highway 15 and north of the East Branch of the Susquehanna River in Tioga, Bradford, Lycoming, Sullivan, Union, Snyder, Northumberland, Montour, and Columbia Counties, Pa.).

No. MC 113855 (Sub-No. E398), filed July 2, 1976. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road, SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over the irregular routes, transporting: *Metal and Metal articles* (a) between points in Kansas on and west of U.S. Highway 281, on the one hand, and, on the other, points in Iowa on and north of a line beginning at the Iowa-Nebraska State line at the junction of the state line and Iowa Highway 175, thence along Iowa Highway 175 to junction Iowa Highway 141 to junction Interstate Highway 35, thence along Interstate Highway 35 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction Iowa Highway 38, thence along Iowa Highway 38 to the Iowa-Illinois State line; (b) between points in Kansas within an area east of U.S. Highway 281 and on and west of U.S. Highway 77, on the one hand, and, on the other, points in Iowa on and north of U.S. Highway 20; and (c) between points in Kansas east of U.S. Highway 77, on the one hand, and, on the other, points in Iowa on, north, and west of a line beginning at the junction of the Iowa-Nebraska State line and U.S. Highway 20, thence along U.S. Highway 20 to junction U.S. Highway 59, thence along U.S. Highway 59 to the Iowa-Minnesota State line. The purpose of this filing is to eliminate the gateway of South Dakota.

No. MC 113855 (Sub-No. E399), filed July 2, 1976. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd., SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal and Metal articles*, (a) between points in Minnesota on and west of a line beginning at the United States-Canada International Boundary line on U.S. Highway 50 north of Lancaster, Minn., thence along U.S. Highway 59 to Detroit Lake, Minn., thence along U.S. Highway 10 to junction U.S. Highway 71, thence along U.S. Highway 71 to the Iowa/Minnesota State line, on the one hand, and, on the other, points in Illinois (except points in Joe Davies, Stephenson, Winnebago, Boone, McHenry, and Lake Counties); (b) between points in Minnesota on and east of a line beginning at the

United States-Canada International Boundary line on U.S. Highway 59 north of Lancaster, Minn., thence along U.S. Highway 59 to Detroit Lakes, Minn., thence along U.S. Highway 10 to junction U.S. Highway 71, thence along U.S. Highway 71 to the Iowa-Minnesota State line, and on and west of a line beginning at the United States-Canada International Boundary line at or near Bandette, Minn., thence along Minnesota Highway 72 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 2, thence along U.S. Highway 2 to junction U.S. Highway 371, thence along U.S. Highway 371 to junction U.S. Highway 10, thence along U.S. Highway 10 to St. Cloud, Minn., thence along Minnesota Highway 15 to the Minnesota-Iowa State line, on the one hand, and, on the other, points in Illinois on and south of U.S. Highway 6; and

(c) Between points in Koochiching County, Minn., on the one hand, and, on the other, points in Illinois on and west of a line beginning at the Illinois-Missouri State line at or near Quincy, Ill., thence along Illinois Highway 104 to junction Illinois Highway 29, thence along Illinois Highway 29 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction U.S. Highway 460, thence along U.S. Highway 460 to the Illinois-Indiana State line.

The purpose of this filing is to eliminate the gateway of points in Minnesota within 50 miles of Sioux Falls, S. Dak.

No. MC 113855 (Sub-No. E400), filed July 6, 1976. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal and Metal articles* (a) from points in Washington, Oregon, Idaho, and Nevada to points in Vermont, New Hampshire, and Maine, and (b) between points in Washington, Oregon, Idaho, and Nevada, on the one hand, and, on the other, points in Maryland. The purpose of this filing is to eliminate the gateway of points in Utah.

No. MC 113855 (Sub-No. E401), filed July 6, 1976. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal and Metal articles*, (a) Between points in Nevada (except points in Esmeralda, Nye, White Pine, Lincoln, and Clark Counties), on the one hand, and, on the other, points in Kansas, points on, east, and north of a line beginning at the Kansas-Nebraska State line along U.S. Highway 183 to junction Kansas Highway 96, thence along Kansas Highway 96 to junction U.S. Highway 281, thence along U.S. Highway 281 to

junction U.S. Highway 54, thence along U.S. Highway 54 to junction U.S. Highway 35W, thence along U.S. Highway 35W and 35 to the Kansas-Oklahoma State line; and (b) Between points in Ely and Tonopah, Nev., on the one hand, and, on the other, Kansas City, Kans. The purpose of this filing is to eliminate the gateways of Utah and South Dakota.

No. MC 113855 (Sub-No. E402), filed July 6, 1976. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd. SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal and Metal articles*, (a) between points in Oregon, on the one hand, and, on the other, points in North Dakota (except points in Adams, Bowman, Slope, Hettinger, Stark, Golden Valley, Billings, Dunn, Divide, Williams, and McKenzie Counties) (Montana, South Dakota east of the Missouri River)*; (b) between points in Oregon in the Klamath, Jackson, Josephine, Curry and Coos Counties, on the one hand, and, on the other, points in North Dakota (Utah and South Dakota)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 113855 (Sub-No. E403), filed July 6, 1976. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd. SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal and Metal articles*, between points in Idaho, on the one hand, and, on the other, points in Kansas on and east of U.S. Highway 81 (Utah, Montana, or Wyoming, and points in South Dakota east of the Missouri River)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 113855 (Sub-No. E404), filed July 6, 1976. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd. SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal and Metal articles*, (a) between points in Kansas, on the one hand, and, on the other, points in Minnesota (except points south of Minnesota Highway 60); and (b) Between points in Kansas (except points east of U.S. Highway 59), on the one hand, and, on the other, points in Minnesota south of Minnesota Highway 60. The purpose of this filing is to eliminate the gateway of points in Minnesota within 50 miles of Sioux Falls, S. Dak.

No. MC 113855 (Sub-No. E405), filed July 6, 1976. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd. SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Mil-

ler, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal and Metal articles*, (A) (1) between points in Nebraska on and north of Nebraska Highway 92 and on and west of U.S. Highway 281, on the one hand, and, on the other, points in Kentucky on and east of Interstate Highway 75. (2) Between points in Nebraska on, north, and west of a line beginning at the Nebraska-Iowa State line and extending along Nebraska Highway 51 to junction U.S. Highway 81, to junction U.S. Highway 283 to the Nebraska-Kansas State line, on the one hand, and, on the other, points in Kentucky west of Interstate Highway 75 and east of a line beginning at the Indiana-Kentucky State line and extending along Interstate Highway 65 to junction Kentucky Highway 90, to junction Kentucky Highway 63 to the Kentucky-Tennessee State line. (3) Between points in Nebraska, on the one hand, and, on the other, points in West Virginia. (South Dakota and Elgin, Ill.)*

(B) (1) Between points in Nebraska, on the one hand, and, on the other, points in New York on and east of a line beginning at Lake Ontario and extending along New York Highway 57 to junction Interstate Highway 81 to the New York-Pennsylvania State line; points in Maryland (except Garrett, Alleghany, and Washington Counties), points in Virginia on and east of U.S. Highway 1, points in North Carolina in and east of Hertford, Bertie, Martin, Beaufort, and Pamlico Counties, and the District of Columbia. (2) Between points in Nebraska on and west of U.S. Highway 183, on the one hand, and, on the other, points in New York west of a line beginning at Lake Ontario and extending along New York Highway 57 to junction Highway 81 to the New York-Pennsylvania State line, and on and east of U.S. Highway 15 (South Dakota and points in Pennsylvania on and east of a line beginning at the Maryland-Pennsylvania State line and extending along unnumbered highway (formerly portion U.S. Highway 15) to junction Business Highway 15, to junction U.S. Highway 15 to junction unnumbered highway (formerly portion U.S. Highway 15), to junction U.S. Highway 15, to the Pennsylvania-New York State line (except points in Berks, Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties, Pa., and points in Pennsylvania on and east of the above described line in Adams, York, Cumberland, Perry, Dauphin, Lebanon, and Lancaster Counties, Pa., and points in Pennsylvania on and east of U.S. Highway 15 and north of the East Branch of the Susquehanna River in Tioga, Bradford, Lycoming, Sullivan, Union, Snyder, Northumberland, Montour, and Columbia Counties, Pa.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 113855 (Sub-No. E406), filed July 6, 1976. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd. SE., Rochester, Minn. 55901. Ap-

plicant's representative: Michael E. Miller, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal and Metal articles* (a) between points in North Dakota on and north of a line beginning at the Montana-North Dakota State line and extending along U.S. Highway 2 to Lakota, N. Dak., thence points on and west of North Dakota Highway 1 to the United States-Canada International Boundary line, on the one hand, and, on the other, points in Minnesota (except that portion north and west of a line beginning at the North Dakota-Minnesota State line extending in an easterly direction along Minnesota Highway 210 to junction U.S. Highway 61, thence along U.S. Highway 61 to the United States-Canada International Boundary line) and (b) between points in North Dakota, on the one hand, and, on the other, points in Michigan. The purpose of this filing is to eliminate the gateway of South Dakota.

No. MC 113855 (Sub-No. E407), filed July 6, 1976. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd., S.E., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal and metal articles*, (A) between Elgin, Ill., on the one hand, and, on the other, points in Massachusetts, Connecticut, Rhode Island, New Jersey, Delaware, the District of Columbia, points in New York in and east of Tioga, Thompson, and Cayuga Counties, points in Maryland on and east of a line beginning at the Maryland-Pennsylvania State line extending along U.S. Highway 140 to junction Maryland Highway 97, thence along Maryland Highway 97 to the Maryland-District of Columbia line, points in Virginia in and east of Southampton, Sussex, Prince George, Charles City, New Kent, King William, King and Queen, Essex, and King George Counties, and points in Hyde, Washington, Tyrrell, Dare, Chowan, Gates, Perquimans, Pasquotank, Camden, and Currituck Counties, N.C. (Scranton, Reading, Allentown, Harrisburg, Lancaster, or Hazleton, Pa.*). (B) Between, Elgin, Ill., on the one hand, and, on the other, points in Pennsylvania on and east of a line beginning at the Maryland-Pennsylvania State line extending along unnumbered highway (formerly portion U.S. Highway 15) to junction Business U.S. Highway 15, thence along Business U.S. Highway 15 to junction U.S. Highway 15 to junction unnumbered highway (formerly portion U.S. Highway 15), thence along unnumbered highway to junction U.S. Highway 15, thence along U.S. Highway 15 to the Pennsylvania-New York State line (except points in Berks, Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties, Pa., and points in Pennsylvania on and east of

the above described line in Adams, York, Cumberland, Perry, Dauphin, Lebanon, and Lancaster Counties, and points in Pennsylvania on and east of U.S. Highway 15 and north of the East Branch of the Susquehanna River in Tioga, Bradford, Lycoming, Sullivan, Union, Snyder, Northumberland, Montour, and Columbia Counties, Ohio*).

(C) Between Davenport, Iowa, on the one hand, and on the other, points in Indiana on and east of a line beginning at Lake Michigan extending along U.S. Highway 421 to junction Indiana Highway 43, thence along Indiana Highway 43 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction Indiana Highway 57, thence along Indiana Highway 57 to the Indiana-Kentucky State line, points in Kentucky in and east of Breckenridge, Grayson, Edmonson, Barren, and Monroe Counties, points in Ohio, Kentucky, and West Virginia, Scranton, Reading, Allentown, Harrisburg, Lancaster, and Hazleton, Pa., and mines in that part of Pennsylvania south and west of a line beginning at the Pennsylvania-Ohio State line extending along U.S. Highway 224 to junction U.S. Highway 422, thence along U.S. Highway 422 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction unnumbered highway near Portersville, Pa., to junction U.S. Highway 422, thence along U.S. Highway 422 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction U.S. Highway 522, thence along U.S. Highway 522 to junction Pennsylvania Highway 641 (formerly Pennsylvania Highway 433), thence along Pennsylvania Highway 641 to junction Pennsylvania Highway 997, thence along Pennsylvania Highway 997 to the Pennsylvania-Maryland State Line including points on the indicated portions of the highways specified (Elgin, Ill.*).

(D) Between Davenport, Iowa, on the one hand, and, on the other, points in Pennsylvania on and east of a line beginning at the Maryland-Pennsylvania State line extending along unnumbered highway (formerly portion of U.S. Highway 15) to junction Business U.S. Highway 15, thence along Business U.S. Highway 15 to junction U.S. Highway 15, thence along U.S. Highway 15 to junction unnumbered highway (formerly portion of U.S. Highway 15), thence along unnumbered highway to junction U.S. Highway 15, thence along U.S. Highway 15 to the Pennsylvania-New York State line (except points in Berks, Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties, Pa., and points on and east of the above-described line in Adams, York, Cumberland, Perry, Dauphin, Lebanon, and Lancaster Counties, Pa., and points on and east of U.S. Highway 15 and north of the East Branch of the Susquehanna River in Tioga, Bradford, Lycoming, Sullivan, Union, Snyder, Northumberland, Montour, and Columbia Counties, Pa.) (Elgin, Ill. and Ohio*). (E) Between Davenport, Iowa, on the one hand, and, on the other, points in New York in and east of Oswego, On-

ondaga, Courtland, Tompkins, and Chemung Counties (except points in Oswego County west of U.S. Highway 11), points in Massachusetts, Connecticut, Rhode Island, New Jersey, Delaware, points in Maryland on and east of a line beginning at the Maryland-Pennsylvania State line extending along U.S. Highway 140 to junction Maryland Highway 97, thence along Maryland Highway 97, thence along Maryland Highway 97 to the Maryland-District of Columbia line, points in Virginia in and east of Southampton, Sussex, Prince George, Charles City, New Kent, King William, King and Queen, Essex and King George Counties, and points in Hyde, Washington, Tyrrell, Dare, Chowan, Gates, Perquimans, Pasquotank, Camden, and Currituck Counties, N.C. (Elgin, Ill., and Scranton, Reading, Allentown, Harrisburg, Lancaster, or Hazleton, Pa.*). The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 113855 (Sub-No. E411), filed July 6, 1976. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd. SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal and metal articles* (a) between points in South Dakota, on the one hand, and, on the other, points in Minnesota Minot, N. Dak., or points in North Dakota south of a line beginning at the Montana-North Dakota State line and extending along U.S. Highway 2 to junction North Dakota Highway 1, thence along North Dakota Highway 1 to the United States-Canada International Boundary line, or points in Minnesota on and south of U.S. Highway 12 and on and west of a line beginning at the Wisconsin-Minnesota State line and extending along U.S. Highway 65 to junction Minnesota Highway 50 (formerly portion U.S. Highway 65), to junction Minnesota Highway 3 (formerly portion U.S. Highway 65), to junction U.S. Highway 65, to junction Minnesota Highway 30 (formerly portion U.S. Highway 65), to junction unnumbered highway near Ellendale, to junction U.S. Highway 65 to the Minnesota-Iowa State line)*; and (b) between points in Nebraska, on the one hand, and, on the other, points in Minnesota (points in Minnesota within 50 miles of Sioux Falls, S. Dak.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 113855 (Sub-No. E412), filed July 6, 1976. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd. SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal and metal articles*, between points in Washington, on the one hand, and, on the other, points in Kansas on and east of U.S. Highway 83. The pur-

pose of this filing is to eliminate the gateways of Montana or Wyoming and South Dakota east of Missouri River.

No. MC 113855 (Sub-No. E413), filed July 6, 1976. Applicant: INTERNATIONAL TRANSPORT, INC., 2420 Marion Rd. SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Metal and metal articles*, between points in Colorado (except points in Kit Carson, Cheyenne, Kiowa, Prowers, Bent, Baca Counties, and points in Las Animas County east of Interstate Highway 25), on the one hand, and, on the other, points in Illinois, that part of Illinois on, north and west of a line beginning at Quincy, Ill., and extending along Illinois Highway 104 to junction U.S. Highway 66, thence along U.S. Highway 66 to junction Illinois Highway 53 (formerly Alternate U.S. Highway 66), at or near Gardner, Ill., thence along Illinois Highway 53 to junction U.S. Highway 66 at a point approximately 10 miles northeast of Plainfield, Ill., and thence along U.S. Highway 66 to Chicago, Ill. (except points in Adams, Brown, Cass, Schuyler, Hancock, and McDonough Counties). The purpose of this filing is to eliminate the gateway of South Dakota, and Davenport, Iowa.

No. MC 113855 (Sub-No. E414), filed July 6, 1976. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd. SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Metal and Metal articles*, between points in North Dakota (except points in Divide, Williams, and McKenzie Counties), on the one hand, and, on the other, points in Washington (Montana), South Dakota east of South Dakota Highway 73). The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 113855 (Sub-No. E415), filed July 6, 1976. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd., SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Metal and Metal articles* (a) between points in California in and north of Santa Cruz, Santa Clara, Stanislaus, Tuolumne, and Alpine Counties, on the one hand, and, on the other, points in Kansas, (b) between points in California in and south of a line formed by southern boundary of counties described in (a) above and north of a line formed by the southern boundaries of San Luis Obispo, Kern, Inyo Counties, on the one hand, and, on the other, points in Kansas on and north of U.S. Highway 70, (c) between points in California in Santa

Barbara, Ventura, Los Angeles, and Orange Counties and those points in San Bernardino and Riverside Counties on and west of U.S. Highway 395, on the one hand, and, on the other, Kansas, points on, north, and east of U.S. Highway 283 from the Kansas-Nebraska State line to junction U.S. Highway 24, thence easterly along U.S. Highway 24 to the Kansas-Missouri State line, and (d) between points in California in and north of Santa Cruz, Santa Clara, Stanislaus, Tuolumne, and Alpine Counties, on the one hand, and, on the other, points in Colorado on, east, and north of a line beginning at the Colorado-Nebraska State line and extending along U.S. Highway 71 in a southerly direction to Limon, thence southeasterly along U.S. Highway 40 to the Colorado-Kansas State line. The purpose of the filing is to eliminate the gateway of points in Nebraska and South Dakota.

No. MC 113855 (Sub-No. E416), filed July 6, 1976. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd. SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Metal and Metal articles* (a) between points in Washington on the one hand, and, on the other, points in South Dakota east of Missouri River (Montana)*, (b) between points in Pacific, Wahkiakum, Cowlitz and Clark Counties, Wash., on the one hand, and, on the other, points in South Dakota west of the Missouri River and south of U.S. Highway 212. (Utah)*, (c) between points in Skamania, Klickitat, Yaskima, Benton, Franklin, Whatcom, and Walla Walla Counties, Wash., on the one hand, and, on the other, points in Pennington, Custer, Fall River, Shannon, Bennett, Washabaugh, Jackson, Haakon, Stanley, Jones, Lyman, Mellette, Todd, Tripp, and Gregory Counties, S.D. (Utah)*, (d) between points in Skagit, Snohomish, King Pierce, Thurston, Lewis, Grays Harbor, Mason, Jefferson, Ciallam, and Kitsap Counties Wash., on the one hand, and, on the other, points in Fall River, Shannon, Bennett, Washabaugh, Mellette, Todd, Tripp and Gregory Counties, S.D. (Utah)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 113855 (Sub-No. E417), filed July 6, 1976. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd. SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Metal and Metal articles* (a) between points in Montana on, west, and south of a line beginning at the United States-Canada International Boundary line at or near Sweetgrass, Mont., thence along U.S. Highway 91 to junction Interstate Highway 90, thence along Interstate

Highway 90 to Billings, thence along U.S. Highway 87 to the Wyoming-Montana State line, on the one hand, and, on the other, points in New York; (b) between points in Montana north and east of a line beginning at the United States-Canada International Boundary line at or near Sweetgrass, Mont. thence along U.S. Highway 91 to junction Interstate Highway 90 to Billings, thence along U.S. Highway 87 to the Wyoming-Montana State line, on the one hand, and, on the other, points in New York (except points in Chautauqua County); (c) between points in Montana, on the one hand, and, on the other, points in Virginia (except points in and west of Patrick, Floyd, Montgomery, and Craig Counties); (d) between points in Montana in and west of Park, Meagher, Judith Basin, Fergus, and Phillips Counties, on the one hand, and, on the other, points in North Carolina on and east of U.S. Highway 52.

(e) between points in Montana east of Park Meagher, Judith Basin, Fergus, and Phillips Counties, on the one hand, and, on the other, points in North Carolina on and east of U.S. Highway 301; and (f) between points in Montana, on the one hand, and, on the other, points in Maryland. The purpose of this filing is to eliminate the gateways of points in South Dakota east of the Missouri River and points in Pennsylvania on and east of a line beginning at the Maryland-Pennsylvania State line and extending along unnumbered highway (formerly portion U.S. Highway 15), to junction Business U.S. Highway 15, near Fairplay, Pa., thence along Business U.S. Highway 15 through Gettysburg, Pa., to junction U.S. Highway 15, thence along U.S. Highway 15 to junction unnumbered highway (formerly portion U.S. Highway 15), thence along unnumbered highway through Clear Spring, Pa., to junction U.S. Highway 15, thence along U.S. Highway 15 to the Pennsylvania-New York State line (except points in Berks, Bucks, Chester, Delaware, Montgomery, and Philadelphia, Pa., and points in Pennsylvania on and east of the above described line in Adams, York, Cumberland, Perry, Dauphin, Lebanon, and Lancaster Counties, Pa., and points in Pennsylvania on and east of U.S. Highway 15 and north of the East Branch of the Susquehanna River in Tioga, Bradford, Lycoming, Sullivan, Union, Snyder, Northumberland, Montour, and Columbia Counties, Pa.).

No. MC 117574 (Sub-No. E115), filed January 20, 1976. Applicant: DAILY EXPRESS, INC., P.O. Box 39, Carlisle, Pa. 17013. Applicant's representative: William A. Chesnut, P.O. Box 1166, Harrisburg, Pa. 17108. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, the transportation of which because of size or weight, require the use of special equipment, and *related materials, supplies and parts* of such commodities when their transportation is incidental thereto, and, (2) *self-*

propelled articles each weighing 15,000 pounds or more and related machinery, tools, parts, and supplies moving in connection therewith, restricted to self-propelled articles transported on trailers.

(a) between points in Ford and Iroquois Counties, Ill., on the one hand, and on the other, points in Pennsylvania, West Virginia, and points in Indiana on and east of a line commencing at the Ohio/Indiana State line, thence along U.S. Highway 50 to Indiana Highway 101, thence along Indiana Highway 101 to U.S. Highway 40, thence along U.S. Highway 40 to the Indiana/Ohio State line; points in Kentucky and east of U.S. Highway 127; points in Michigan on and east of a line commencing at Michigan/Ohio State line, thence along Interstate Highway 75 to Interstate Highway 94, thence along Interstate Highway 94 to Port Huron; (b) between points in Marshall and Woodford Counties, Ill., on the one hand, and, on the other, points in Pennsylvania, West Virginia, points in Indiana on and east of a line commencing at the Indiana/Kentucky State line, thence along Indiana Highway 250 to its junction with Indiana Highway 129, thence along Indiana Highway 129 to its junction with U.S. Highway 421, thence along U.S. Highway 421 to its junction with Indiana Highway 3, thence along Indiana Highway 3 to its junction with U.S. Highway 36, thence along U.S. Highway 36 to the Indiana/Ohio State line; points in Kentucky on and east of a line commencing at the Tennessee/Kentucky State line, thence along U.S. Highway 127 to the Indiana/Kentucky State line near Warsaw; points in Michigan on and east of a line commencing at the Michigan/Ohio State line, thence along U.S. Highway 23 to its junction with Michigan Highway 13, thence along Michigan Highway 13 to Saginaw Bay;

(c) between points in Knox County, Ill., on the one hand, and, on the other, points in Pennsylvania, West Virginia, points in Indiana on and east of a line commencing at Ohio/Indiana State line thence along U.S. Highway 50 to Indiana Highway 101, thence along Indiana Highway 101 to U.S. Highway 40, thence along U.S. Highway 40 to the Indiana/Ohio State line; points in Kentucky on and east of U.S. Highway 127; points in Michigan on and east of a line commencing at Michigan/Ohio State line, thence along Interstate Highway 75 to Interstate Highway 94, thence along Interstate Highway 94 to Port Huron, Mich.; (d) between points in McDonough and Hancock Counties Ill., on the one hand, and, on the other, points in Pennsylvania, West Virginia, Kentucky on and east of U.S. Highway 127, Michigan on and east of Interstate Highway 94; (e) between points in Tazewell County, Ill., on the one hand, and, on the other, points in Pennsylvania, West Virginia, Indiana on and east of a line commencing at the Indiana/Kentucky State line, thence along Indiana Highway 250 to its junction with Indiana Highway 129, thence along Indiana Highway 129 to its

junction with U.S. Highway 421, thence along U.S. Highway 421 to its junction with Indiana Highway 3, thence along Indiana Highway 3 to its junction with U.S. Highway 36, thence along U.S. Highway 36 to the Indiana/Ohio State line; Kentucky on and east of U.S. Highway 127 to the Indiana/Kentucky State line near Warsaw; Michigan on and east of a line commencing at the Michigan/Ohio State line, thence along U.S. Highway 23 to its junction with Michigan Highway 13, thence along Michigan Highway 13 to Saginaw Bay;

(f) between points in Stephenson County, Ill., on the one hand, and, on the other, points in Pennsylvania, West Virginia, Indiana on and east of a line commencing at the Indiana/Kentucky State line, thence along Indiana Highway 250 to its junction with Indiana Highway 129, thence along Indiana Highway 129 to its junction with U.S. Highway 421, thence along U.S. Highway 421 to its junction with Indiana Highway 3, thence along Indiana Highway 3, to its junction with U.S. Highway 36, thence along U.S. Highway 36 to the Indiana/Ohio State line; Kentucky on and east of a line commencing at the Tennessee/Kentucky State line, thence along U.S. Highway 31E to its junction with U.S. Highway 62 thence along U.S. Highway 62 to its junction with U.S. Highway 127, thence along U.S. Highway 127 to the Kentucky/Indiana State line near Warsaw; Michigan on and east of U.S. Highway 25; (g) between points in Jo Daviess County, Ill., on the one hand, and, on the other, points in Pennsylvania, West Virginia, Indiana on and east of a line commencing at the Kentucky/Indiana State line, thence along Indiana Highway 7, thence along Indiana Highway 7 to its junction with Indiana Highway 3, thence along Indiana Highway 3 to its junction with Indiana Highway 67, thence along Indiana Highway 67 to the Indiana/Ohio State line; Kentucky on and east of a line commencing at Glasgow, thence along U.S. Highway 31, to its junction with Kentucky Highway 55, thence along Kentucky Highway 55 to its junction with U.S. Highway 421, thence along U.S. Highway 421 to the Kentucky/Indiana State line; Michigan on and east of Michigan Highway 53; (h) between points in Boone and Winnebago Counties, Ill., on the one hand, and, on the other, points in Pennsylvania, West Virginia, Indiana on and east of a line commencing at the Ohio/Kentucky State line, thence along U.S. Highway 50 to Indiana Highway 101, thence along Indiana Highway 101 to its junction with U.S. Highway 40, thence along U.S. Highway 40 to Indiana/Ohio State line; Kentucky on and east of U.S. Highway 127 to Kentucky/Ohio State line near Warsaw; points in Michigan on and east of a line commencing at Michigan/Ohio State line, thence along Interstate Highway 75 to Interstate Highway 94, thence along Interstate Highway 94 to Port Huron, Mich.;

(i) between points in Rock Island County, Ill., on the one hand, and, on the other, points in Pennsylvania, West Virginia, Indiana on and east of a line commencing at the Indiana/Kentucky State line, thence along Indiana Highway 250 to its junction with Indiana Highway 129, thence along Indiana Highway 129 to its junction with U.S. Highway 421, thence along U.S. Highway 421 to its junction with Indiana Highway 3, thence along Indiana Highway 3 to its junction with Indiana Highway 32, thence along Indiana Highway 32 to the Indiana/Ohio State line; Kentucky on and east of a line commencing at the Tennessee/Kentucky State line, thence along Kentucky Highway 61 to its junction with Kentucky Highway 55, thence along Kentucky Highway 55 to its junction with U.S. Highway 62, thence along U.S. Highway 62 to its junction with U.S. Highway 127, thence along U.S. Highway 127 to the Indiana/Kentucky State line near Warsaw; Michigan on and east of Michigan Highway 53; (j) between points in DuPage County, Ill., on the one hand, and, on the other, points in Pennsylvania, West Virginia, Kentucky on and east of U.S. Highway 127; Michigan on and east of Interstate Highway 94; (k) between points in Henry County, Ill., on the one hand, and, on the other, points in Pennsylvania, West Virginia, Indiana on and east of a line commencing at the Indiana/Kentucky State line, thence along Indiana Highway 250 to its junction with Indiana Highway 129, thence along Indiana Highway 129 to its junction with U.S. Highway 421, thence along U.S. Highway 421 to its junction with Indiana Highway 3 to its junction with U.S. Highway 36, thence along U.S. Highway 36 to the Indiana/Ohio State line; Kentucky on and east of U.S. Highway 127 to the Indiana/Kentucky State line near Warsaw; Michigan on and east of a line commencing at the Michigan/Ohio State line, thence along U.S. Highway 23 to its junction with Michigan Highway 14, thence along Michigan Highway 14 to its junction with Michigan Highway 24, thence along Michigan Highway 24 to its junction with Michigan Highway 21, thence along Michigan Highway 21 to its junction with Michigan Highway 53 thence along Michigan Highway 53 to Lake Huron;

(l) Between points in Effingham and Fayette Counties, Ill., on the one hand, and, on the other, points in Pennsylvania, West Virginia, Kentucky on and east of a line commencing at the Kentucky/Virginia State line, thence along Kentucky Highway 160 to its junction with Kentucky Highway 7, thence along Kentucky Highway 7 to its junction with Kentucky Highway 15, thence along Kentucky Highway 15 to its junction with Kentucky Highway 11, thence along Kentucky Highway 11 to its junction with Kentucky Highway 165 to its junction with Kentucky Highway 10, thence along Kentucky Highway 110 to the Kentucky/Ohio State line; Michigan on

and east of a line commencing at the Michigan/Ohio State line, thence along Michigan Highway 127 to its junction with U.S. Highway 27, thence along U.S. Highway 27 to its junction with Interstate Highway 75, thence along Interstate Highway 75 to Sault Saint Marie; (m) between points in Hardin and Pike Counties, Ill., on the one hand, and, on the other, points in Pennsylvania, West Virginia, Indiana on and east of a line commencing at the Kentucky/Indiana State line, thence along Indiana Highway 1 to its junction with Indiana Highway 101, thence along Indiana Highway 101 to its junction with U.S. Highway 27, thence along U.S. Highway 27 to its junction with U.S. Highway 40, thence along U.S. Highway 40 to the Indiana/Ohio State line; Kentucky on and east of a line commencing at the Kentucky/Virginia State line, thence along U.S. Highway 460 to its junction with Kentucky Highway 201, thence along Kentucky Highway 201 to its junction with Kentucky Highway 1, thence along Kentucky Highway 1 to its junction with U.S. Highway 60, thence along U.S. Highway 60 to its junction with Kentucky Highway 59, thence along Kentucky Highway 59 to the Kentucky/Ohio State line; Michigan on and east of a line commencing at the Michigan/Indiana State line, thence along U.S. Highway 27 to its junction with Michigan Highway 115, thence along Michigan Highway 115 to its junction with Michigan Highway 37, thence along Michigan 37 to Grand Traverse Bay.

(n) between points in Johnson and Massac Counties, Ill. on the one hand, and, on the other, points in Pennsylvania, West Virginia, Indiana on and east of a line commencing at the Indiana/Ohio State line, thence along U.S. Highway 50 to Indiana Highway 101, thence along Indiana Highway 101 to U.S. Highway 27, thence along U.S. Highway 27 to Indiana/Michigan State line; Kentucky on and east of a line commencing at Kentucky/West Virginia State line, thence along Kentucky Highway 292 to Kentucky Highway 40, thence along Kentucky Highway 40 to its junction with U.S. Highway 460, thence along U.S. Highway 460 to its junction with Interstate Highway 75, thence along Interstate Highway 75 to Kentucky/Ohio State line; Michigan on and east of a line commencing at Michigan/Indiana State line, thence along U.S. Highway 27 to Interstate Highway 75, thence along Interstate Highway 75 to Sault Saint Marie; (o) between points in Alexander and Union Counties, Ill., on the one hand, and, on the other, points in Pennsylvania, West Virginia, Kentucky on and east of U.S. Highway 23; Michigan on and east of a line commencing at Detroit, thence along Interstate Highway 96 to its junction with Interstate Highway 75, thence along Interstate Highway 75 to Sault Saint Marie; Gateway to be eliminated in (a) through (o) above: Columbus, Ohio and points within 80 miles thereof.

No. MC 117574 (Sub-No. E116), filed January 20, 1976. Applicant: DAILY

EXPRESS, INC., P.O. Box 39, Carlisle, Pa. 17013. Applicant's representative: William A. Chesnutt, P.O. Box 1166, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Commodities*, the transportation of which because of size or weight, require the use of special equipment, and *related materials, supplies and parts* of such commodities when their transportation is incidental thereto, and,

(B) *Self-propelled articles* each weighing 15,000 pounds or more and *related machinery, tools, parts, and supplies* moving in connection therewith, restricted to self-propelled articles transported on trailers: (1) between points in Lake County, Ill., on the one hand, and, on the other, points in Pennsylvania, West Virginia, and Indiana on and east of a line commencing at the Ohio/Indiana State line, thence along U.S. Highway 50 to Indiana Highway 101, thence along Indiana Highway 101 to U.S. Highway 40, thence along U.S. Highway 40 to the Indiana/Ohio State line; Kentucky on and east of U.S. Highway 127; Michigan on and east of a line commencing at the Ohio/Michigan State line, thence along Interstate Highway 75 to Interstate Highway 94, thence along Interstate Highway 94 to Port Huron; (2) between points in Kane County, Ill., on the one hand and, on the other, points in Pennsylvania, West Virginia, and Kentucky on and east of U.S. Highway 127; Michigan on and east of Interstate Highway 94.

(3) Between points in Lee County, Ill., on the one hand, and, on the other, points in Pennsylvania, West Virginia, and Indiana on and east of a line commencing at the Indiana/Kentucky State line, thence along Indiana Highway 250 to its junction with Indiana Highway 129, thence along Indiana Highway 129 to its junction with U.S. Highway 421, thence along U.S. Highway 421 to its junction with Indiana Highway 3, thence along Indiana Highway 3 to its junction with U.S. Highway 36, thence along U.S. Highway 36 to the Indiana/Ohio State line; Kentucky on and east of a line commencing at the Tennessee/Kentucky State line, thence along Kentucky Highway 61 to its junction with Kentucky Highway 55, thence along Kentucky Highway 55 to its junction with U.S. Highway 62, thence along U.S. Highway 62 to its junction with U.S. Highway 127, thence along U.S. Highway 127 to the Indiana/Kentucky State line near Warsaw; Michigan on and east of a line commencing at Detroit, thence along U.S. Highway 25 to its junction with Michigan Highway 19, thence along Michigan Highway 19 to its junction with Michigan Highway 90, thence along Michigan Highway 90 to Lake Huron.

(4) Between points in Whiteside County, Ill., on the one hand, and, on the other, points in Pennsylvania, West Virginia, and Indiana on and east of a line commencing at the Indiana/Kentucky State line, thence along Indiana Highway 250 to its junction with Indiana Highway 129, thence along Indiana

Highway 129 to its junction with U.S. Highway 421, thence along U.S. Highway 421 to its junction with Indiana Highway 3, thence along Indiana Highway 3 to its junction with U.S. Highway 36, thence along U.S. Highway 36 to the Indiana/Ohio State line; Kentucky on and east of a line commencing at the Tennessee/Kentucky State line, thence along Kentucky Highway 61 to its junction with Kentucky Highway 55, thence along Kentucky Highway 55 to its junction with U.S. Highway 62, thence along U.S. Highway 62 to its junction with U.S. Highway 127, thence along U.S. Highway 127 to the Indiana/Kentucky State line near Warsaw; Michigan on and east of a line commencing at Detroit, thence along U.S. Highway 25 to its junction with Michigan Highway 19, thence along Michigan Highway 19 to its junction with Michigan Highway 142, thence along Michigan Highway 142 to its junction with Michigan Highway 53, thence along Michigan Highway 53 to Lake Huron.

(5) Between points in DeKalb County, Ill., on the one hand, and, on the other, points in Pennsylvania, West Virginia, and Indiana on and east of a line commencing at the Indiana/Kentucky State line, thence along Indiana Highway 250 to its junction with Indiana Highway 129, thence along Indiana Highway 129 to its junction with U.S. Highway 421, thence along U.S. Highway 421 to its junction with Indiana Highway 3, thence along Indiana Highway 3 to its junction with U.S. Highway 36, thence along U.S. Highway 36 to the Indiana/Ohio State line; Kentucky on and east of a line commencing at the Tennessee/Kentucky State line, thence along Kentucky Highway 61 to its junction with Kentucky Highway 55, thence in a northerly direction along Kentucky Highway 55 to its junction with U.S. Highway 62, thence along U.S. Highway 62 to its junction with U.S. Highway 127, thence along U.S. Highway 127 to the Indiana/Kentucky State line near Warsaw; Michigan on and east of a line commencing at the Michigan/Ohio State line, thence along U.S. Highway 23 to its junction with U.S. Highway 12, thence along U.S. Highway 12 to its junction with U.S. Highway 24, thence along U.S. Highway 24 to its junction with Michigan Highway 21, thence along Michigan Highway 21 to its junction with Michigan Highway 53, thence along Michigan Highway 53 to Lake Huron.

(6) Between points in Carroll County, Ill., on the one hand, and, on the other, points in Pennsylvania, West Virginia, and Indiana on and east of a line commencing at the Kentucky/Indiana State line, thence along Indiana Highway 7 to its junction with Indiana Highway 3, thence along Indiana Highway 3 to its junction with Indiana Highway 67, thence along Indiana Highway 67 to the Indiana/Ohio State line; Kentucky on and east of a line commencing at Glasgow, thence along U.S. Highway 31, thence along U.S. Highway 31 to its junction with Kentucky Highway 55, thence along Kentucky Highway 55 to its

junction with U.S. Highway 421, thence along U.S. Highway 421 to the Kentucky/Indiana State line; Michigan on and east of Michigan Highway 53; (7) between points in McHenry County, Ill., on the one hand, and, on the other, points in Pennsylvania, West Virginia, and Indiana on and east of a line commencing at the Indiana/Kentucky State line, thence along Indiana Highway 250 to its junction with Indiana Highway 129, thence along Indiana Highway 129 to its junction with U.S. Highway 421, thence along U.S. Highway 421 to its junction with Indiana Highway 3, thence along Indiana Highway 3 to its junction with U.S. Highway 36, thence along U.S. Highway 36 to the Indiana/Ohio State line; Kentucky on and east of a line commencing at the Tennessee/Kentucky State line, thence along Kentucky Highway 61 to its junction with Kentucky Highway 55, thence along Kentucky Highway 55 to its junction with U.S. Highway 150, thence along U.S. Highway 150 to its junction with U.S. Highway 127, thence along U.S. Highway 127 to the Indiana/Kentucky State line near Warsaw; and Port Huron, Mich.; (8) between points in Cook County, Ill., on the one hand, and, on the other, points in Pennsylvania, West Virginia, and Kentucky on and east of U.S. Highway 127; and Michigan on and east of Interstate Highway 94.

(9) Between points in Bureau and Putnam Counties, Ill., on the one hand, and, on the other, points in Pennsylvania, West Virginia, and Indiana on and east of a line commencing at the Indiana/Kentucky State line, along Indiana Highway 250 to its junction with Indiana Highway 129, thence along Indiana Highway 129 to its junction with U.S. Highway 421, thence along U.S. Highway 421 to its junction with Indiana Highway 3, thence along Indiana Highway 3 to its junction with U.S. Highway 36, thence along U.S. Highway 36 to the Indiana/Ohio State line; Kentucky on and east of U.S. Highway 127 to the Indiana/Kentucky State line near Warsaw; Michigan on and east of a line commencing at Detroit, thence along Michigan Highway 53 to its junction with Michigan Highway 90, thence along Michigan Highway 90 to Lake Huron; (10) between points in Grundy and Kendall Counties, Ill., on the one hand, and, on the other, points in Pennsylvania, West Virginia, and Kentucky on and east of U.S. Highway 127; Michigan on and east of Interstate Highway 94; (11) between points in LaSalle County, Ill., on the one hand, and, on the other, points in Pennsylvania, West Virginia, and Kentucky on and east of U.S. Highway 127; Michigan on and east of Interstate Highway 94.

(12) Between points in Henderson, Mercer, and Warren Counties, Ill., on the one hand, and, on the other, points in Pennsylvania, West Virginia, and Kentucky on and east of U.S. Highway 127; Michigan on and east of Interstate Highway 94; (13) between points in Peoria County, Ill., on the one hand, and, on

the other, points in Pennsylvania, West Virginia, and Indiana on and east of a line commencing at the Indiana/Kentucky State line, thence along Indiana Highway 250 to its junction with Indiana Highway 129, thence along Indiana Highway 129 to its junction with U.S. Highway 421, thence along U.S. Highway 421 to its junction with Indiana Highway 3, thence along Indiana Highway 3 to its junction with U.S. Highway 36, thence along U.S. Highway 36 to the Indiana/Ohio State line; Kentucky on and east of a line commencing at the Tennessee/Kentucky State line, thence along U.S. Highway 27 to its junction with U.S. Highway 150, thence along U.S. Highway 150 to its junction with U.S. Highway 127, thence along U.S. Highway 127 to the Indiana/Kentucky State line near Warsaw; points in Michigan on and east of a line commencing at the Michigan/Ohio State line, thence along U.S. Highway 23 to its junction with Michigan Highway 21, thence along Michigan Highway 21 to its junction with Michigan Highway 24, thence along Michigan Highway 24 to Lake Huron.

(14) Between points in Will County, Ill., on the one hand, and, on the other, points in Pennsylvania, West Virginia, Indiana on and east of a line commencing at the Indiana/Kentucky State line, thence along Indiana Highway 250 to its junction with Indiana Highway 129, thence along Indiana Highway 129 to its junction with U.S. Highway 421, thence along U.S. Highway 421 to its junction with Indiana Highway 3, thence along Indiana Highway 3 to its junction with Indiana Highway 67, thence along Indiana Highway 67 to the Indiana/Ohio State line; Kentucky on and east of a line commencing at the Tennessee/Kentucky State line, thence along Kentucky Highway 61 to its junction with Kentucky Highway 55, thence along Kentucky Highway 55 to its junction with U.S. Highway 62, thence along U.S. Highway 62 to its junction with U.S. Highway 127, thence along U.S. Highway 127 to the Indiana/Kentucky State line near Warsaw; and Port Huron, Mich.; (15) between points in Ogle County, Ill., on the one hand, and, on the other, points in Pennsylvania, West Virginia, and Indiana on and east of a line commencing at the Ohio/Indiana State line, thence along U.S. Highway 50 to Indiana Highway 101, thence along Indiana Highway 101 to its junction with U.S. Highway 40, thence along U.S. Highway 40 to the Indiana/Ohio State line; Kentucky on and east of U.S. Highway 127; Michigan on and east of a line commencing at the Michigan/Ohio State line, thence along Interstate Highway 75 to Interstate Highway 94, thence along Interstate Highway 94 to Port Huron.

(16) Between points in Adams County, Ill., on the one hand, and, on the other, points in Pennsylvania, West Virginia, and Indiana on and east of a line commencing at the Indiana/Kentucky State line, thence along Indiana Highway 262 to its junction with U.S. Highway 50, thence along U.S. Highway 50 to its junction with U.S. Highway 421, thence

along U.S. Highway 421 to its junction with Indiana Highway 3, thence along Indiana Highway 3 to its junction with U.S. Highway 36, thence along U.S. Highway 36 to the Indiana/Ohio State line; Kentucky on and east of a line commencing at the Tennessee/Kentucky State line, thence along U.S. Highway 27 to its junction with U.S. Highway 25, thence along U.S. Highway 25 to its junction with Kentucky Highway 14, thence along Kentucky Highway 14 to the Indiana/Kentucky State line; Michigan on and east of a line commencing at the Michigan/Ohio State line, thence along U.S. Highway 23 to its junction with Michigan Highway 13, thence along Michigan Highway 13 to Saginaw Bay; (17) between points in Fulton County, Ill., on the one hand, and, on the other, points in Pennsylvania, West Virginia, and Kentucky on and east of U.S. Highway 127; Michigan Highway 53; (18) between points in McLean County, Ill., on the one hand, and, on the other, points in Pennsylvania, West Virginia, and Indiana on and east of a line commencing at the Ohio/Indiana State line, thence along U.S. Highway 50 to Indiana Highway 101, thence along Indiana Highway 101 to U.S. Highway 40, thence along U.S. Highway 40 to the Indiana/Ohio State line; Kentucky on and east of U.S. Highway 127; Michigan on and east of a line commencing at the Michigan/Ohio State line, thence along U.S. Highway 23 to its junction with Interstate Highway 94, thence along Interstate Highway 94 to Port Huron.

(19) Between points in Livingston County, Ill., on the one hand, and, on the other, points in Pennsylvania, West Virginia, and Indiana on and east of a line commencing at the Ohio/Indiana State line, thence along U.S. Highway 50 to Indiana Highway 101, thence along Indiana Highway 101 to U.S. Highway 40, thence along U.S. Highway 40 to the Indiana/Ohio State line; Kentucky on and east of U.S. Highway 127; Michigan on and east of a line commencing at the Michigan/Ohio State line, thence along Interstate Highway 75 to Interstate Highway 94, thence along Interstate Highway 94 to Port Huron; (20) between points in Cass, Mason, and Menard Counties, Ill., on the one hand, and, on the other, points in Pennsylvania, West Virginia, and Indiana on and east of a line commencing at the Indiana/Ohio State line, thence along U.S. Highway 50 to Indiana Highway 101, thence along Indiana Highway 101 to U.S. Highway 40, thence along U.S. Highway 40 to the Indiana/Ohio State line; points in Kentucky on and east of a line commencing at the Tennessee/Kentucky State line, thence along U.S. Highway 27 to Interstate Highway 75, thence along Interstate Highway 75 to the Ohio/Kentucky State line; Michigan on and east of a line commencing at the Ohio/Michigan State line, thence along U.S. Highway 23 to Interstate Highway 75, thence along Interstate Highway 75 to Bay City; (21) between points in Champaign County, Ill., on the one hand, and, on the other, points in Pennsylvania, West Virginia,

and Indiana on and east of a line commencing at the Indiana/Kentucky State line, thence along Indiana Highway 56 to its junction with U.S. Highway 50, thence along U.S. Highway 50 to its junction with Indiana Highway 1, thence along Indiana Highway 1 to its junction with Indiana Highway 101, thence along Indiana Highway 101 to its junction with U.S. Highway 27, thence along U.S. Highway 27 to its junction with U.S. Highway 40, thence along U.S. Highway 40 to the Indiana/Ohio State line; Kentucky on and east of a line commencing at the Tennessee/Kentucky State line, thence along U.S. Highway 27 to its junction with Kentucky Highway 14, thence along Kentucky Highway 14 to the Indiana/Kentucky State line; Michigan on and east of a line commencing at the Michigan/Ohio State line, thence along U.S. Highway 23 to its junction with Michigan Highway 13, thence along Michigan Highway 13 to Saginaw Bay.

(22) Between points in Brown and Schuyler Counties, Ill., on the one hand, and, on the other, points in Pennsylvania, West Virginia, and Indiana on and east of a line commencing at the Ohio/Indiana State line, thence along U.S. Highway 50 to Indiana Highway 101, thence along Indiana Highway 101 to U.S. Highway 40, thence along U.S. Highway 40 to the Indiana/Ohio State line; Kentucky on and east of a line commencing at the Tennessee/Kentucky State line, thence along U.S. Highway 27 to Interstate Highway 75, thence along Interstate Highway 75 to the Ohio/Kentucky State line; Michigan on and east of a line commencing at the Ohio/Michigan State line, thence along U.S. Highway 23 to Interstate Highway 75, thence along Interstate Highway 75 to Bay City; (23) between points in DeWitt and Logan Counties, Ill., on the one hand, and, on the other, points in Pennsylvania, West Virginia, and Kentucky on and east of a line commencing at U.S. Highway 127; Michigan on and east of Interstate Highway 75; (24) between points in Pike County, Ill., on the one hand, and, on the other, points in Pennsylvania, West Virginia, and Indiana on and east of a line commencing at the Indiana/Kentucky State line, thence along Indiana Highway 250 to its junction with Indiana Highway 129, thence along Indiana Highway 129 to its junction with U.S. Highway 421, thence along U.S. Highway 421 to its junction with Indiana Highway 3, thence along Indiana Highway 3 to its junction with U.S. Highway 36, thence along U.S. Highway 36 to the Indiana/Ohio State line; Kentucky on and east of a line commencing at the Tennessee/Kentucky State line, thence along U.S. Highway 27 to its junction with U.S. Highway 150, thence along U.S. Highway 150 to its junction with U.S. Highway 127, thence along U.S. Highway 127 to the Indiana/Kentucky State line near Warsaw; Michigan on and east of a line commencing at the Michigan/Ohio State line, thence along U.S. Highway 127 to its junction with U.S. Highway 27, thence along U.S. Highway 27

to its junction with Michigan Highway 57, thence along Michigan Highway 57 to its junction with Michigan Highway 30, thence along Michigan Highway 30 to its junction with Michigan Highway 61, thence along Michigan Highway 61 to Saginaw Bay.

(25) Between points in Coles, Douglas, and Edgar Counties, Ill., on the one hand, and, on the other, points in Pennsylvania, West Virginia, and Kentucky on and east of a line commencing at the Tennessee/Kentucky State line, thence along U.S. Highway 25 to its junction with Kentucky Highway 89, thence along Kentucky Highway 89 to its junction with Kentucky Highway 82, thence along Kentucky Highway 82 to its junction with Kentucky Highway 11, thence along Kentucky Highway 11 to the Kentucky/Ohio State line; Michigan on and east of a line commencing at the Michigan/Ohio State line, thence along U.S. Highway 27 to its junction with U.S. Highway 27, thence along Interstate Highway 75, thence along Interstate Highway 75 to Sault Saint Marie; (26) between points in Morgan and Scott Counties, Ill., on the one hand, and, on the other, points in Pennsylvania, West Virginia, and Indiana on and east of a line commencing at the Indiana/Ohio State line, thence along U.S. Highway 50 to Indiana Highway 101, thence along Indiana Highway 101 to its junction with U.S. Highway 40, thence along U.S. Highway 40 to the Indiana/Ohio State line; Kentucky on and east of a line commencing at the Tennessee/Kentucky State line, thence along U.S. Highway 27 to its junction with Interstate Highway 75, thence along Interstate Highway 75 to the Ohio/Kentucky State line; Michigan on and east of a line commencing at the Ohio/Michigan State line, thence along U.S. Highway 127 to its junction with Michigan Highway 78, thence along Michigan Highway 78 to its junction with Michigan Highway 52, thence along Michigan Highway 52 to its junction with Michigan Highway 46, thence along Michigan Highway 46 to its junction with Interstate Highway 75, thence along Interstate Highway 75 to Bay City.

(27) Between points in Vermillion County, Ill., on the one hand, and, on the other, points in Pennsylvania, West Virginia, and Kentucky on and east of U.S. Highway 27; Michigan on and east of Interstate Highway 75; (28) between points in Macoupin and Montgomery Counties, Ill., on the one hand, and, on the other, points in Pennsylvania, West Virginia, and Kentucky on and east of U.S. Highway 27; Michigan on and east of Interstate Highway 75; (29) between points in Platt County, Ill., on the one hand, and, on the other, points in Pennsylvania, West Virginia, and Kentucky on and east of U.S. Highway 127; Michigan on and east of Interstate Highway 75; (30) between points in Christian and Macon Counties, Ill., on the one hand, and, on the other, points in Pennsylvania, West Virginia, and Kentucky on and east of U.S. Highway 27; Michigan

on and east of Interstate Highway 75; (31) between points in Sangamon County, Ill., on the one hand, and, on the other, points in Pennsylvania, West Virginia, and Indiana on and east of a line commencing at the Indiana/Ohio State line, thence along U.S. Highway 50 to its junction with Indiana Highway 101, thence along Indiana Highway 101 to its junction with U.S. Highway 40, thence along U.S. Highway 40 to the Indiana/Ohio State line; Kentucky on and east of a line commencing at the Tennessee/Kentucky State line, thence along U.S. Highway 27 to its junction with Interstate Highway 75, thence along Interstate Highway 75 to the Ohio/Kentucky State line; Michigan on and east of a line commencing at the Ohio/Michigan State line, thence along U.S. Highway 127 to its junction with Michigan Highway 78, thence along Michigan Highway 78 to its junction with Interstate Highway 75, thence along Interstate Highway 75 to Bay City.

(32) Between points in Crawford and Jasper Counties, Ill., on the one hand, and, on the other, points in Pennsylvania, West Virginia, and Kentucky on and east of a line commencing at Hazard, thence along Kentucky Highway 15, to its junction with Kentucky Highway 11, thence along Kentucky Highway 11 to the Kentucky/Ohio State line; Michigan on and east of Interstate Highway 75; (33) between points in Bonds and Madison Counties, Ill., on the one hand, and, on the other, points in Pennsylvania, West Virginia, and Indiana on and east of a line commencing at the Indiana/Kentucky State line, thence along Indiana Highway 156 to its junction with U.S. Highway 50, thence along U.S. Highway 50 to its junction with Indiana Highway 1, thence along Indiana Highway 1 to its junction with Indiana Highway 101, thence along Indiana Highway 101 to its junction with U.S. Highway 27, thence along U.S. Highway 27 to its junction with U.S. Highway 40, thence along U.S. Highway 40 to the Indiana/Ohio State line; Kentucky on and east of a line commencing at the Kentucky/Virginia State line, thence along Kentucky Highway 160 to its junction with Kentucky Highway 7, thence along Kentucky Highway 7 to its junction with Kentucky Highway 15, thence along Kentucky Highway 15 to its junction with Kentucky Highway 11, thence along Kentucky Highway 11 to its junction with Kentucky Highway 36, thence along Kentucky Highway 36 to its junction with U.S. Highway 127, thence along U.S. Highway 127 to the Indiana/Kentucky State line near Warsaw; Michigan on and east of a line commencing at the Michigan/Indiana State line, thence along U.S. Highway 27 to its junction with Interstate Highway 75, thence along Interstate Highway 75 to Sault Saint Marie.

(34) Between points in Clark and Cumberland Counties, Ill., on the one hand, and, on the other, points in Penn-

sylvania, West Virginia, and Kentucky on and east of a line commencing at Hazard, thence along Kentucky Highway 15 to its junction with Kentucky Highway 11, thence along Kentucky Highway 11 to the Kentucky/Ohio State line; Michigan on and east of Interstate Highway 75; (35) between points in Shelby County, Ill., on the one hand, and, on the other, points in Pennsylvania, West Virginia and Kentucky on and east of a line commencing at the Kentucky/Virginia State line, thence along Kentucky Highway 160 to its junction with Kentucky Highway 7, thence along Kentucky Highway 7 to its junction with Kentucky Highway 32, thence along Kentucky Highway 32 to its junction with Kentucky Highway 11, thence along Kentucky Highway 11 to its junction with Kentucky Highway 24, thence along Kentucky Highway 24 to its junction with U.S. Highway 62, thence along U.S. Highway 62 to its junction with Kentucky Highway 19, thence along Kentucky Highway 19 to the Kentucky/Ohio State line; Michigan on and east of a line commencing at the Michigan/Indiana State line, thence along U.S. Highway 27 to its junction with Interstate Highway 75 to Sault Saint Marie; (36) between points in Calhoun, Greene, and Jersey Counties, Ill., on the one hand, and, on the other, points in Pennsylvania, West Virginia and Indiana on and east of a line commencing at the Indiana/Kentucky State line, thence along Indiana Highway 262 to its junction with U.S. Highway 50, thence along U.S. Highway 50 to its junction with U.S. Highway 421, thence along U.S. Highway 421 to its junction with Indiana Highway 3, thence along Indiana Highway 3 to its junction with U.S. Highway 36, thence along U.S. Highway 36 to the Indiana/Ohio State line; Kentucky on and east of a line commencing at the Tennessee/Kentucky State line, thence along Interstate Highway 75 to its junction with Kentucky Highway 14, thence along Kentucky Highway 14 to the Indiana/Kentucky State line; Michigan on and east of a line commencing at the Michigan/Indiana State line, thence along U.S. Highway 27 to its junction with Interstate Highway 75 to Sault Saint Marie.

(37) Between points in Monroe and Saint Clair Counties, Ill., on the one hand, and, on the other, points in Pennsylvania, West Virginia, and Indiana on and east of a line commencing at the Indiana/Kentucky State line, thence along Indiana Highway 262 to its junction with U.S. Highway 50, thence along U.S. Highway 50 to its junction with U.S. Highway 421, thence along U.S. Highway 421 to its junction with Indiana Highway 3, thence along Indiana Highway 3 to its junction with U.S. Highway 36, thence along U.S. Highway 36 to the Indiana/Ohio State line; Kentucky on and east of a line commencing at the Kentucky/Virginia State line, thence along U.S. Highway 460 to its junction with Kentucky Highway 201, thence

along Kentucky Highway 201 to its junction with Kentucky Highway 32, thence along Kentucky Highway 32 to its junction with Kentucky Highway 165, thence along Kentucky Highway 165 to its junction with Kentucky Highway 22, thence along Kentucky Highway 22 to its junction with U.S. Highway 27, thence along U.S. Highway 27 to its junction with Kentucky Highway 17, thence along Kentucky Highway 17 to its junction with Kentucky Highway 14, thence along Kentucky Highway 14 to the Indiana/Kentucky State line; Michigan on and east of a line commencing at the Michigan/Indiana State line, thence along U.S. Highway 27 to its junction with Michigan Highway 115, thence along Michigan Highway 115 to its junction with U.S. Highway 131, thence along U.S. Highway 131 to its junction with Michigan Highway 113, thence along Michigan Highway 113 to its junction with Michigan Highway 37, thence along Michigan Highway 37 to Grand Traverse Bay.

(38) Between points in Clay and Wayne Counties, Ill., on the one hand, and, on the other, points in Pennsylvania, West Virginia, and Kentucky on and east of a line commencing at the Kentucky/Virginia State line, thence along U.S. Highway 460 to its junction with Kentucky Highway 201, thence along Kentucky Highway 201 to its junction with Kentucky Highway 1, thence along Kentucky Highway 1 to its junction with Kentucky Highway 7, thence along Kentucky Highway 7 to its junction with Kentucky Highway 24, thence along Kentucky Highway 24 to its junction with Kentucky Highway 59, thence along Kentucky Highway 59 to the Kentucky/Ohio State line; Michigan on and east of a line commencing at the Michigan/Indiana State line, thence along U.S. Highway 27 to its junction with Michigan Highway 115, thence along Michigan Highway 115 to its junction with U.S. Highway 131, thence along U.S. Highway 131 to its junction with Michigan Highway 113, thence along Michigan Highway 113 to its junction with Michigan Highway 37, thence along Michigan Highway 37 to Grand Traverse Bay;

(39) between points in Clinton and Washington Counties, Ill., on the one hand, and, on the other, points in Pennsylvania, West Virginia, and Indiana on and east of a line commencing at the Indiana/Kentucky State line along Indiana Highway 56, thence along Indiana Highway 56 to its junction with U.S. Highway 50, thence along U.S. Highway 50 to its junction with Indiana Highway 1, thence along Indiana Highway 1 to its junction with Indiana Highway 101, thence along Indiana Highway 101 to its junction with U.S. Highway 27, thence along U.S. Highway 27 to its junction with U.S. Highway 40, thence along U.S. Highway 40 to the Indiana/Ohio State line; Kentucky on and east of a line commencing at the Kentucky/West Virginia State line, thence along U.S. Highway 460 to its junction with Kentucky Highway 201, thence along Kentucky

Highway 201 to its junction with Kentucky Highway 32, thence along Kentucky Highway 32 to its junction with Kentucky Highway 11, thence along Kentucky Highway 11 to its junction with Kentucky Highway 165, thence along Kentucky Highway 165 to its junction with Kentucky Highway 22, thence along Kentucky Highway 22 to its junction with U.S. Highway 27, thence along U.S. Highway 27 to its junction with Kentucky Highway 17, thence along Kentucky Highway 17 to its junction with Kentucky Highway 14, thence along Kentucky Highway 14 to the Kentucky/Indiana State line; Michigan on and east of Interstate Highway 75.

(40) Between points in Gallatin and Saline Counties, Ill., on the one hand, and, on the other, points in Pennsylvania, West Virginia, and Indiana on and east of a line commencing at the Indiana/Kentucky State line, thence along Indiana Highway 1 to its junction with Indiana Highway 101, thence along Indiana Highway 101 to its junction with U.S. Highway 27, thence along U.S. Highway 27 to its junction with U.S. Highway 40, thence along U.S. Highway 40 to the Indiana/Ohio State line; Kentucky on and east of a line commencing at the Kentucky/Virginia State line, thence along U.S. Highway 460 to its junction with Kentucky Highway 201, thence along Kentucky Highway 201 to its junction with Kentucky Highway 1, thence along Kentucky Highway 1 to its junction with Kentucky Highway 7, thence along Kentucky Highway 7 to its junction with Kentucky Highway 24, thence along Kentucky Highway 24 to its junction with Kentucky Highway 59, thence along Kentucky Highway 59 to the Kentucky/Ohio State line; Michigan on and east of a line commencing at the Michigan/Indiana State line, thence along U.S. Highway 27 to its junction with Michigan Highway 115, thence along Michigan Highway 115 to its junction with Michigan Highway 37, thence along Michigan Highway 37 to Grand Traverse Bay; (41) between points in Hamilton and White Counties, Ill., on the one hand, and, on the other, points in Pennsylvania, West Virginia, and Indiana on and east of a line commencing at the Indiana/Ohio State line at Richmond, thence along U.S. Highway 40 to its junction with U.S. Highway 27, thence along U.S. Highway 27 to its junction with U.S. Highway 224, thence along U.S. Highway 224 to its junction with Indiana Highway 101, thence along Indiana Highway 101 to its junction with Indiana Highway 1, thence along Indiana Highway 1 to its junction with U.S. Highway 20, thence along U.S. Highway 20 to its junction with Interstate Highway 69, thence along Interstate Highway 69 to the Indiana/Michigan State line; Kentucky on and east of a line commencing at the Kentucky/West Virginia State line, thence along Kentucky Highway 292 to Kentucky Highway 3, thence along Kentucky Highway 3 to Ashland; Michigan on and east of a line commencing at the Indiana/Michigan

State line, thence along Interstate Highway 69 to its junction with U.S. Highway 27, thence along U.S. Highway 27 to its junction with Interstate Highway 75, thence along Interstate Highway 75 to Sault Saint Marie.

(42) Between points in Edwards and Wabash Counties, Ill., on the one hand, and, on the other, points in Pennsylvania, West Virginia, and Kentucky on and east of a line commencing at the West Virginia/Kentucky State line, thence along Kentucky Highway 40 to its junction with U.S. Highway 460, thence along U.S. Highway 460 to its junction with Kentucky Highway 11, thence along Kentucky Highway 11, to the Kentucky/Ohio State line; Michigan on and east of a line commencing at Detroit, thence along Interstate Highway 96 to its junction with Interstate Highway 75, thence along Interstate Highway 75 to Sault Saint Marie; (43) between points in Franklin and Williamson Counties, Ill., on the one hand, and, on the other, points in Pennsylvania, West Virginia, and Indiana on and east of a line commencing at the Indiana/Kentucky State line, thence along Indiana Highway 262 to its junction with U.S. Highway 50, thence along U.S. Highway 50 to its junction with U.S. Highway 42, thence along U.S. Highway 42 to its junction with Indiana Highway 3, thence along Indiana Highway 3 to its junction with U.S. Highway 36, thence along U.S. Highway 36 to the Indiana/Ohio State line; Kentucky on and east of a line commencing at the Kentucky/Virginia State line, thence along U.S. Highway 460 to its junction with Kentucky Highway 201, thence along Kentucky Highway 201 to its junction with Kentucky Highway 32, thence along Kentucky Highway 32 to its junction with Kentucky Highway 11, thence along Kentucky Highway 11 to its junction with Kentucky Highway 24, thence along Kentucky Highway 24 to its junction with U.S. Highway 62, thence along U.S. Highway 62 to its junction with Kentucky Highway 19, thence along Kentucky Highway 19 to its junction with Kentucky Highway 22, thence along Kentucky Highway 22 to its junction with U.S. Highway 27, thence along U.S. Highway 27 to its junction with Kentucky Highway 17, thence along Kentucky Highway 17 to its junction with Kentucky Highway 14, thence along Kentucky Highway 14 to the Indiana/Kentucky State line; Michigan on and east of a line commencing at the Michigan/Indiana State line, and extending along U.S. Highway 27 to its junction with Michigan Highway 115, thence along Michigan Highway 115 to its junction with Michigan Highway 37, thence along Michigan Highway 37 to Grand Traverse Bay.

(44) Between points in Jackson, Perry, and Randolph Counties, Ill., on the one

hand, and, on the other, points in Pennsylvania, West Virginia, and Indiana on and east of a line commencing at the Indiana/Kentucky State line, along Indiana Highway 262 to its junction with U.S. Highway 50, thence along U.S. Highway 50 to its junction with U.S. Highway 321, thence along U.S. Highway 421 to its junction with Indiana Highway 3, thence along Indiana Highway 3 to its junction with U.S. Highway 36, thence along U.S. Highway 36 to the Indiana/Ohio State line; Kentucky on and east of a line commencing at the Kentucky/Virginia State line, thence along U.S. Highway 23 to its junction with Kentucky Highway 201 to its junction with Kentucky Highway 32, thence along Kentucky Highway 201, thence along Kentucky Highway 201 to its junction with Kentucky Highway 11, thence along Kentucky Highway 11 to its junction with Kentucky Highway 24, thence along Kentucky Highway 24 to its junction with U.S. Highway 62, thence along U.S. Highway 62 to its junction with Kentucky Highway 19, thence along Kentucky Highway 19 to its junction with Kentucky Highway 22, thence along Kentucky Highway 22 to its junction with U.S. Highway 27, thence along U.S. Highway 27 to its junction with Kentucky Highway 17, thence along Kentucky Highway 17 to its junction with Kentucky Highway 14, thence along Kentucky Highway 14 to the Indiana/Kentucky State line; Michigan on and east of a line commencing at the Michigan/Indiana State line, thence along U.S. Highway 27 to its junction with Michigan Highway 115, thence along Michigan Highway 115 to its junction with Michigan Highway 37, thence along Michigan Highway 37 to Grand Traverse Bay.

(45) Between points in Lawrence and Richland Counties, Ill., on the one hand, and, on the other, points in Pennsylvania, West Virginia, and Kentucky on and east of a line commencing at the West Virginia/Kentucky State line, thence along Kentucky Highway 40 to its junction with U.S. Highway 460, thence along U.S. Highway 460 to its junction with Kentucky Highway 11, thence along Kentucky Highway 11 to the Kentucky/Ohio State line; Michigan on and east of a line commencing at Detroit, thence along Interstate Highway 96, thence along Interstate Highway 96 to its junction with Interstate Highway 75, thence along Interstate Highway 75 to Sault Saint Marie; (46) between points in Jefferson and Marion Counties, Ill., on the one hand, and, on the other, points in Pennsylvania, West Virginia, and Indiana on and east of a line commencing at the Ohio/Indiana State line, thence along U.S. Highway 50 to its junction with Indiana Highway 101, thence along Indiana Highway 101 to its junction with U.S. Highway 27, thence along U.S. Highway 27 to the Indiana/Michigan State line; Kentucky on and east of a line com-

mencing at the Kentucky/Virginia State line, thence along U.S. Highway 460 to its junction with Kentucky Highway 36, thence along Kentucky Highway 36 to its junction with Interstate Highway 75, thence along Interstate Highway 75 to the Ohio/Kentucky State line; Michigan on and east of a line commencing at the Michigan/Indiana State line, thence along Interstate Highway 69 to U.S. Highway 27, thence along Highway 27 to its junction with Michigan Highway 115, thence along Michigan 115 to its junction with U.S. Highway 115 to its junction with U.S. Highway 131, thence along U.S. Highway 131 to its junction with U.S. Highway 31, thence along U.S. Highway 31 to its junction with Interstate Highway 75, thence along Interstate Highway 75 to Sault Saint Marie; Gateway to be eliminated in (1) through (46): Columbus, Ohio and points within 80 miles thereof.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-12112 Filed 4-26-77;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

APRIL 22, 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 May 12, 1977.

FSA No. 43353—Wheat from Points in Kansas on the Missouri Pacific Railroad Company. Filed by Missouri Pacific Railroad Company, (No. 1141), for interested rail carriers. Rates on wheat, in bulk, in carloads, as described in the application, from Corwin, Ruella and Shook, Kansas, to Gulf Ports, viz.: Ama, Baton Rouge, Lake Charles, Myrtle Grove, New Orleans, and Port Allen, Louisiana; also Beaumont, Corpus Christi, Freeport, Galveston, Houston, Orange, and Texas City, Texas, for export.

Grounds for relief—Motor-truck competition.

Tariff—Supplement 90 to Missouri Pacific Railroad Company tariff 57-F, I.C.C. No. 518. Rates are published to become effective on May 21, 1977.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-1240 Filed 4-26-77;8:45 am]

sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409), 5 U.S.C. 552b(e)(3).

CONTENTS

	<i>Item</i>
Consumer Product Safety Commission.....	13, 14
Federal Communications Commission.....	9
Federal Reserve System.....	3
Federal Trade Commission.....	4, 5, 6, 7
Inter-American Foundation.....	8
Occupational Safety and Health Review Commission.....	10
Postal Rate Commission.....	11, 12
Postal Service.....	1, 2

1

AGENCY HOLDING MEETING: Postal Service.

The Board of Governors of the United States Postal Service, pursuant to its Bylaws (39 CFR 7.5 (as amended, 42 FR 12863)) and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice that it intends to hold a meeting at 9:00 A.M. on Tuesday, May 3, 1977, in the Benjamin Franklin Room, 11th Floor, Postal Service Headquarters, 475 L'Enfant Plaza, S.W., Washington, D.C. 20260. The meeting is open to the public. The Board expects to discuss the matters stated in the Agenda which is set forth below. Requests for information about the meeting should be addressed to the Secretary of the Board, Louis A. Cox, at (202) 245-4632.

AGENDA

1. Opening Prayer.
2. Minutes of the Previous Meeting.
3. Remarks of the Postmaster General. (In keeping with its consistent practice, the Board's agenda provides this opportunity for the Postmaster General to inform the members of miscellaneous current developments concerning the Postal Service. He might report, for example, the occurrence of a recent Congressional hearing, the appointment or assignment of a key official, or the effect on postal operations of unusual weather or a major strike in the transportation industry. Nothing that requires a decision by the Board is brought up under this item.)
4. Salary Adjustments for Certain Executives. (Mr. Conway, Senior Assistant Postmaster General (Employee and Labor Relations), will explain proposed salary adjustments for certain officials. Under section 3.4 of the Board's Bylaws, changes in compensation of officers and executives in PES Grade 34 and above are to be approved by the Board.)
5. Report on Financial and Service Performance. (Mr. Gentile, Assistant

Postmaster General (Finance Department) will present the quarterly summary of the financial performance of the Postal Service. Mr. Jellison, Assistant PMG (Mail Processing), will present the quarterly summary on service performance.)

6. Review of the Report of the Commission on Postal Service. (Mr. Ellington, Senior Assistant Postmaster General (Administration), will report on the principal features of the Report of the Commission on Postal Service which was established by Public Law 94-421.)

7. Preliminary Report on Postal Rate Alternatives. (Mr. Finch, Assistant Postmaster General (Government Operations), and Mr. Osborne, Assistant Postmaster General (Rates and Classification), will report on possible ratemaking strategies.)

8. Report on Postal Mechanization and Research and Development. (Mr. Wise, Assistant Postmaster General (Research and Development), will present a general review of the current status of the Postal Service mechanization and R. & D. programs.)

9. Review of Customer Services Activities. (Mr. Applegate, Assistant Postmaster General (Customer Services) will report on current programs and recent accomplishments of the Customer Services Department.)

10. Report of the Consumer Advocate. (Mr. Chadwick, Consumer Advocate, will report on the activities of the Office of Consumer Affairs.)

11. Recommended Decision of the Postal Rate Commission, Commission Docket No. MC 77-1. (The Governors will consider a report from the Board's Committee on Postal Service concerning the Commission's Recommended Decision of February 23, 1977, recommending that the Domestic Mail Classification Schedule be amended in accordance with the provisions of Sections 11 and 12 of the Postal Reorganization Act Amendments of 1976 (Public Law No. 94-421), which became effective on September 24, 1976.)

12. Report on Possible Restructuring of Delivery Services. (Mr. Morison, Director, Office of Customer Programs, will present an illustrative analysis of how delivery services could be restructured to attain economies while maintaining or improving levels of service. This report is in keeping with the request of Governor Coddling at the Board meeting of April 5, 1977.)

Louis A. Cox,
Secretary.

[S-250-77 Filed 4-25-77; 7:59 am]

2

AGENCY HOLDING THE MEETING: Postal Service.

The Committee on Postal Rates of the Board of Governors of the United States Postal Service, pursuant to the Bylaws of the Board (39 CFR 5.2, 7.5 (as amended, 42 FR 12862, 12863)) and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice that it intends to hold a meeting at 7:30 A.M. on Tuesday, May 3, 1977, in the Benjamin Franklin Room, 11th Floor, Postal Service Headquarters, 475 L'Enfant Plaza, S.W., Washington, D.C. 20260. The meeting is open to the public. Requests for information about the meeting should be addressed to the Secretary of the Board, Louis A. Cox, at (202) 245-4632.

The Committee will discuss the Recommended Decision of the Postal Rate Commission, No. MC 77-1, recommending that the Domestic Mail Classification Schedule be amended in accordance with the provisions of Sections 11 and 12 of the Postal Reorganization Act Amendments of 1976 (Public Law No. 94-421), which became effective on September 24, 1976.) This Committee meeting is to be held in anticipation of a meeting of the Board of Governors which is scheduled to commence at 9:00 A.M. on the same day. The Commission's Recommended Decision is on the agenda for the Board meeting.

Louis A. Cox,
Secretary.

[S-249-77 Filed 4-25-77; 7:59 am]

3

AGENCY HOLDING THE MEETING: Federal Reserve System.

On Friday, April 29, 1977, at 11:30 a.m. a meeting of the Board of Governors of the Federal Reserve System will be held at the Board's offices at 20th Street and Constitution Avenue, N.W., Washington, D.C., to consider the following item(s) of official Board business:

1. Proposed purchase of computer equipment at the Federal Reserve Bank of Kansas City.
2. Any agenda items carried forward from a previously announced open meeting.

This meeting will be open to public observation. Information with regard to this meeting may be obtained from Mr. Joseph R. Coyne, Assistant to the Board, at (202) 452-3204.

Board of Governors of the Federal Reserve System, April 22, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.
[S-248-77 Filed 4-25-77;7:59 am]

4

AGENCY HOLDING THE MEETING:
Federal Trade Commission.

TIME AND DATE: 10:00 a.m. and 2:00 p.m., Thursday, April 28, 1977.

PLACE: Room 433, Federal Trade Commission Building, 6th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20580.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Bureau of Competition Programs: 10:00 a.m., (1) Food Program: Grower-Producer; (2) Food Program: Manufacturer-Processor; (3) Food Program: Retailing. Bureau of Consumer Protection Programs: 2:00 p.m., (1) Cigarette Advertising/Labeling; (2) Product Safety Advertising; (3) Disclosure of Substantial Inadequacy of Risk; (4) Children's Advertising.

CONTACT PERSON FOR MORE INFORMATION:

Leonard J. McEnnis, Jr., Office of Public Information, 202-523-3830; Recorded message, 202-523-3806.

[S-242-77 Filed 4-22-77;4:00 pm]

5

AGENCY HOLDING THE MEETING:
Federal Trade Commission.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: April 21, 1977, page 20745.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10:00 a.m., Wednesday, April 27, 1977.

CHANGES IN THE MEETING: The meeting is now scheduled to be held at 2:00 p.m., and not 10:00 a.m. as previously announced.

[S-243-77 Filed 4-22-77;4:00 pm]

6

AGENCY HOLDING THE MEETING:
Federal Trade Commission.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: April 21, 1977, page 20744/5.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10:00 a.m., Tuesday, April 26, 1977.

CHANGES IN THE MEETING: Delete item number 6 under Nonadjudicative Matters, which reads: (6) Consideration of Issuance of Proposed Complaint in a (Nonpublic) Part II Matter.

[S-244-77 Filed 4-22-77;4:00 pm]

7

AGENCY HOLDING MEETING: Federal Trade Commission.

TIME AND DATE: 8:30 a.m., Friday, April 29, 1977.

PLACE: Room 432, Federal Trade Commission Building, 6th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20580.

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

Portions open to Public:

- (1) Administration and Management.
- (2) Executive Direction and Policy Planning.

Portions closed to the public:

- (3) Maintaining Competition.
- (4) Consumer Protection.
- (5) Economic Activities.

CONTACT PERSON FOR MORE INFORMATION:

Leonard J. McEnnis, Jr., Office of Public Information: 202-523-3830; Recorded Message: 202-523-3806.

[S-245-77 Filed 4-23-77;4:00 pm]

8

AGENCY HOLDING THE MEETING:
Inter-American Foundation.

Notice is hereby given, pursuant to the Government in the Sunshine Act 5 U.S.C. 552b that the Inter-American Foundation's Board of Directors' meeting will be held in the Board Room of the Inter-American Foundation 5th Floor 1515 Wilson Blvd., Rosslyn, Va. on May 5, 1977 at 3 p.m. The following business will be conducted:

1. Approval of Minutes of January 27, 1977 Board of Directors meeting.
2. Consideration of financial report.
3. Project Funding Portfolio Review.
4. Consideration of project proposals. This meeting will be open.

Mr. Hugh Key (703-841-3812) is the Inter-American Foundation official designated to respond to requests for information pertaining to such meetings.

ELIZABETH VEATCH,
Sunshine Act Coordinator.

[S-246-77 Filed 4-22-77;4:00 pm]

9

AGENCY HOLDING THE MEETING:
Federal Communications Commission.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., Thursday, April 28, 1977.

STATUS: Open Meeting.

CHANGES IN THE MEETING: The following item has been deleted from the list of agenda items contained in the Commission's Public Notice which was issued April 21, 1977.

Agenda, Item No. and Subject:

Renewal—1—Indianapolis Black Media Coalition's petition to deny renewal applications of five Indianapolis area radio stations.

CONTACT PERSON FOR MORE INFORMATION:

Samuel M. Sharkey, FCC Public Information Officer, Telephone number 202-632-7260.

Issued: April 22, 1977

[S-247-77 Filed 4-22-77;4:00 pm]

10

AGENCY HOLDING THE MEETING:
Occupational Safety and Health Review Commission.

TIME AND DATE: 9:30 a.m., April 29, 1977.

PLACE: Room 1101, 1825 K Street, N.W., Washington, D.C.

STATUS: This meeting is subject to being closed by a vote of the Commissioners taken at the beginning of the meeting.

MATTERS TO BE CONSIDERED:

Discussion of specific cases in the Commission adjudication process.

CONTACT PERSONS FOR MORE INFORMATION:

Mrs. Nori Heuberger or Ms. Lottie Richardson, 202-634-7970.

For the Commission,

Dated: April 21, 1977.

PAUL R. WALLACE,
Counsel to the Commission.

[S-238-77 Filed 4-22-77;10:05 am]

11

AGENCY HOLDING THE MEETING:
Postal Rate Commission.

TIME AND DATE: 9:30 a.m., April 27, 1977.

PLACE: Conference Room, Room 500, 2000 L Street, N.W., Washington, D.C. 20268.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Docket Nos. MC76 -1, -4.

(Authority to conduct closed meeting: 5 U.S.C. 552b (c) (10).)

The Commission has determined by recorded vote that notice cannot be given at least one week prior to the meeting since Commission business requires that the meeting be called at an earlier time. A copy of the vote is on file in the Office of the Secretary to the Commission.

SUNSHINE ACT MEETINGS

CONTACT PERSON FOR MORE INFORMATION:

Ned Callan, Information Officer, Postal Rate Commission, Room 500, 2000 L Street, NW., Washington, D.C. 20268, Telephone 202-254-5614.

[S-252-77 Filed 4-25-77;11:12 am]

12

AGENCY HOLDING THE MEETING:
Postal Rate Commission.

TIME AND DATE: 1 p.m., April 25, 1977.

PLACE: Conference Room, Room 500, 2000 L St., NW., Washington, D.C. 20268.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel matters.
2. Docket Nos. MC76 -1, -4.

(Authority to conduct closed meeting:
Item No. 1, 5 U.S.C. 552b(c) (2). Item No.
2, 5 U.S.C. 552b(c) (10).)

The Commission has determined by recorded vote that notice cannot be given at least one week prior to the meeting since Commission business requires that the meeting be called at an earlier time.

A copy of the vote is on file in the Office of the Secretary to the Commission.

CONTACT PERSON FOR MORE INFORMATION:

Ned Callan, Information Officer, Postal Rate Commission, Room 500, 2000 L Street, NW., Washington, D.C. 20268, Telephone 202-254-5614.

[S-253-77 Filed 4-25-77;11:12 am]

13

AGENCY HOLDING THE MEETING:
Consumer Product Safety Commission.

TIME AND DATE: 9:30 a.m. May 3, 1977.

LOCATION: 3rd Floor Hearing Room, 1111 18th St., NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

The Commission will continue the mid-fiscal year review of its Operating Plan, which it also considered at its April 14 and April 20 meetings.

CONTACT PERSON FOR ADDITIONAL INFORMATION:

Sheldon D. Butts, Assistant Secretary, Office of the Secretary, Suite 300, 1111 18th St., NW., Washington, D.C. 20207, telephone 202-634-7700.

[S-254-77 Filed 4-25-77;11:12 am]

14

AGENCY HOLDING THE MEETING:
Consumer Product Safety Commission.

TIME AND DATE: 3 p.m. May 2, 1977.

LOCATION: 3rd Floor Hearing Room, 1111, 18th St., NW., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

The Commission will consider three Flammable Fabrics Act cases on appeal: Barrett Carpet Mills (Docket 75-5), Westland Carpet Mills, Inc. (Docket 75-21), and Northwick Mills (Docket 76-6).

CONTACT PERSON FOR ADDITIONAL INFORMATION:

Sheldon D. Butts, Assistant Secretary, Office of the Secretary, Suite 300, 1111, 18th St., NW., Washington, D.C. 20207, telephone 202-634-7700.

[S-255-77 Filed 4-25-77;11:12 am]

Register
Order

WEDNESDAY, APRIL 27, 1977

PART II



**FEDERAL ENERGY
ADMINISTRATION**

■

**ENERGY CONSERVATION
PROGRAM FOR
APPLIANCES**

Test Procedures for Water Heaters,
Television Receivers, Refrigerators,
Refrigerator-Freezers, Freezers, and
Clothes Dryers; Public Hearing

FEDERAL ENERGY ADMINISTRATION

[10 CFR Part 430]

ENERGY CONSERVATION PROGRAM FOR APPLIANCES

Proposed Rulemaking and Public Hearing Regarding Test Procedures for Water Heaters

AGENCY: Federal Energy Administration.

ACTION: Proposed rule.

SUMMARY: The Federal Energy Administration (FEA) proposes to amend Chapter II of Title 10, Code of Federal Regulations, in order to prescribe test procedures for water heaters, pursuant to section 323, 42 U.S.C. 6293, of the Energy Policy and Conservation Act (Act) (Pub. L. 94-163). The Act requires that standard methods for testing water heaters be prescribed as part of the energy conservation program for appliances. The intended effect of this proposal is to implement the Act's requirements for the solicitation of public comments before the test procedures are prescribed.

DATES: Comments by June 15, 1977, 4:30 p.m.; requests to speak by May 31, 1977, 4:30 p.m.; statement by June 10, 1977, 4:30 p.m.; hearing to be held on June 13, 1977, at 1:30 p.m.

ADDRESSES: Comments and requests to speak at the hearing to: Executive Communications, Room 3309, Federal Energy Administration, Box LY, Washington, D.C. 20461; statement to Regulations Management, Federal Energy Administration, Room 2214, 2000 M Street NW., Washington, D.C. 20461.

Hearing held at: Federal Energy Administration, Room 2105, 2000 M Street NW., Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT:

James A. Smith, Room 307 Old Post Office Building 12th Street and Pennsylvania Avenue NW., Washington, D.C. 20461, 202-566-4635.

SUPPLEMENTARY INFORMATION:

A. BACKGROUND

Development of test procedures is one discrete part of the energy conservation program for appliances. Even when promulgated, final test procedures will not of themselves require testing to be conducted. They will merely establish standard methods for testing when testing is otherwise required by the Act itself or by regulations implementing other parts of the program. For example, the Federal Trade Commission (FTC), in exercising its appliance energy efficiency labeling authority regarding a particular appliance type, may well require the application of substantially less than all of the final test procedures applicable to that appliance type.

By notice issued May 10, 1976 (41 FR 19977, May 14, 1976), FEA proposed to establish Part 430, entitled "Energy Conservation Program for Appliances," in Chapter II of Title 10 of the Code of

Federal Regulations. That notice proposed a Subpart A to Part 430, containing general provisions, and a Subpart C, containing proposed energy efficiency improvement targets. Proposed Subparts A and C have not yet been finalized. A further proposal of Subpart C will be necessary in order to meet the requirements of section 325 (a) (1) of the Act as amended by section 161 of the Energy Conservation and Production Act (Pub. L. 94-385).

Subpart A, as previously proposed (41 FR 19977, May 14, 1976; 42 FR 15423, March 22, 1977), contained definitions in proposed section 430.2, some of which are applicable to the test procedures for water heaters. In addition, FEA is today proposing to further amend proposed § 430.2 by adding to the definition of "Basic model" a subparagraph (5) applying specifically to water heaters, by repropounding the definition of "electric water heater," and by adding definitions of "water heater," "gas water heater," and "oil water heater."

By notice issued July 22, 1976 (41 FR 31237, July 27, 1976), FEA proposed an amendment to proposed Part 430 to add a Subpart B which would contain the appliance test procedures required to be prescribed by section 323 of the Act. The notice issued July 22 described the requirements of section 323 and set forth proposed test procedures for room air conditioners. A further notice issued March 24, 1977 (42 FR 16811, March 30, 1977) solicited comments with respect to a clarification of the provision concerning the number of units to be tested. By notice issued March 17, 1977 (42 FR 15423, March 22, 1977) FEA proposed an amendment setting forth proposed test procedures for dishwashers. Test procedures for several other products are in the process of being proposed at this time.

Section 323(a)(2) of the Act requires FEA to direct the National Bureau of Standards Act (NBS) to develop for 13 types of covered products test procedures for the determination of the estimated annual operating costs and at least one other useful measure of energy consumption which FEA determines is likely to assist consumers in making purchasing decisions. Pursuant to the Act, ERA directed NBS to develop test procedures for FEA's use in prescribing test procedures under the Act. As part of this undertaking, NBS was required to evaluate existing test procedures for measuring energy consumption of water heaters.

NBS has transmitted to FEA a test procedures review document which reviewed existing test procedures for measuring energy consumption for water heaters and recommended test procedures. Copies of this review document will be made available for inspection by interested persons as provided for later in this notice.

Under the Department of Commerce Voluntary Labeling Program, proposed test procedures and labeling procedures for water heaters were published as Voluntary Specification No. 5-75 on August 14, 1975. A final specification was pre-

pared in December 1975. Final publication of these voluntary procedures was withheld upon enactment of the Act. These test methods were developed at NBS with cooperation from the Gas Appliance Manufacturers Association. These tests are based on the American National Standards (ANSI) Z21.10.1 Gas Water Heaters and C72.1 Electric Water Heaters. The test procedures proposed today differ from the Voluntary Labeling Program test procedures in that all tests can now be run consecutively without emptying the storage tank, the tank is pre-heated, the daily water usage is different, and oil-fueled water heaters have been included. These changes are expected generally to reduce the testing burden on manufacturers.

B. MEASURES OF ENERGY CONSUMPTION

The Act requires FEA to prescribe test procedures for the determination of estimated annual operating costs and at least one other useful measure of energy consumption which the Administrator determines is likely to assist consumers in making purchasing decisions. The estimated annual operating cost, proposed for both electric water heaters and gas or oil water heaters in § 430.22(e)(1), is based upon daily energy consumption, a representative average use cycle of 365 days (representing the total number of days in a year), and representative average unit energy costs.

Also proposed (§ 430.22(e)(2)) as test procedures for the determination of other measures of energy consumption which are likely to assist consumers in making purchasing decisions are test procedures regarding the energy factor for water heaters. The energy factor is defined as the daily water heating energy to the daily energy consumption. The daily water heating energy represents the heat content of the average amount of water provided by the water heater per day. Among other possible applications, the energy factor may be used by FEA to determine the efficiency of hot water heaters for the purposes of the efficiency improvement program described by section 325 of the Act.

An additional proposed measure (§ 430.22(e)(3)) that is likely to assist consumers in making purchasing decisions is the hot water supply rating which is a measure of the amount of water that can be supplied by the water heater in a given period of time.

FEA recognizes that there may be additional useful measures of energy consumption for water heaters other than the measures described above. Accordingly, today's proposal, in proposed § 430.22(e)(4), provides for other useful measures which the Administrator determines are likely to assist consumers in making purchasing decisions. These measures, however, must be derived from the application of the uniform test method proposed today as Appendix E to Subpart B. Water heater manufacturers would, if required, only have to perform various computations while still applying only the same test method contained in Appendix E. For example, if the Ad-

Administrator determined that the annual energy consumption for a water heater would aid consumers in making purchasing decisions, the annual energy consumption could be derived by applying the uniform test method for determining annual operating cost and dividing by the representative average unit cost of energy.

C. LABORATORY METHODOLOGY

Proposed Appendix E to Subpart B provides for a controlled laboratory environment for measuring energy consumption for the various water heaters that are available to the consumer. In establishing the appropriate laboratory environment, the test procedure describes air and water temperatures and test equipment configurations to assure repeatable test results. The tests will measure key operating characteristics of the water heater from which energy consumption, energy efficiency, and annual energy operating costs can be derived. The primary characteristics measured are the recovery efficiency and the standby loss. The recovery efficiency is a measure of how efficiently the water heater replaces heated water which has been removed from the tank. The standby loss is a measure of how efficiently a water heater stores heated water. Measured standby loss and recovery efficiency are then used with an assigned temperature rise and hot water usage rate to calculate annual energy consumption and energy efficiency. The assigned temperature rise and hot water usage rate will serve to standardize data on appliance labels and correlate with the energy consumption of water heaters in typical home usage, as measured by utility companies in various parts of the United States.

The total energy consumption calculated for the water heater system is based on the use of 64.3 gallons per day and a 90° F temperature rise. These numbers are used as the reference "typical" water heater without heat traps installed in the piping system. Piping losses are included in the calculated energy and are accounted for in the coefficients used (i.e., the 64.3 gallons per day and 90° F rise). The baseline water heating system configuration is essentially a water heater without an integral heat trap, and with a piping system characterized by vertical pipe risers from the cold water inlet and hot water outlet of the water heater. Uninsulated piping losses can be reduced by using a heat trap on both the inlet and outlet water pipes. Laboratory tests at NBS have shown that a 12 watt savings can be obtained by a heat trap on the inlet side (cold water pipe) and 16 watts on the outlet side (hot water pipe). The heat trap reduces piping losses by preventing hot water movement out of the water heater which then cools and returns through the pipe to the water heater thus setting up a natural convection flow of water (i.e., hot water rising up to displace the cold water returning down the pipe). If the piping system is well insulated, the heat trap does not

offer any additional savings. However, the typical installation today is one with uninsulated piping and a vertical pipe used for the cold water inlet and hot water outlet.

In the calculation for annual energy consumption full credit is given for the heat trap if it is an integral part of the water heater or if the heat trap is shipped separately. This adjustment for the energy savings for heat traps is calculated rather than measured because NBS tests have indicated that the amount of energy saved is fairly constant for all types of water heaters.

D. REPRESENTATIVE AVERAGE-USE CYCLE

Section 323(b)(2) (42 U.S.C. 6293(b)(2)) of the Act provides that test procedures for determining estimated annual operating costs of any covered product shall be calculated from measurements of energy use in a representative average-use cycle (as determined by the Administrator) and from representative average unit costs (as provided by the Administrator) needed to operate such product during such cycle. FEA has determined that the representative average-use cycle for water heaters is 365 days per year, since water heaters typically are used every day of the year.

Typical, or standard, values for the representative average volume of hot water usage and temperature rise occurring in producing hot water also are necessary elements in the estimated annual operating cost and the energy factor of water heaters. FEA is using 64.3 gallons per day and 90° F temperature rise for these two values, respectively, in the test procedures proposed today. The 90° F temperature rise represents the national average inlet water temperature for the U.S. of 55° F and the usual factory thermostat setting of 145° F. Normally, at the factory, gas and oil water heater thermostats are set at 140° F and electric water heater thermostats are set at 150° F. The 64.3 gallons per day of hot water was derived from information obtained from a survey conducted by NBS, of a number of gas and electric utility companies regarding hot water energy usage data. Data supporting these usage conditions are available in the NBS test procedure review document as provided for later in this notice.

FEA intends to develop representative average unit costs of energy needed to calculate the annual operating cost for the representative average use cycle and to provide this information to manufacturers and the FTC on or before the effective date of test procedures for water heaters.

E. NUMBER OF UNITS TO BE TESTED

Proposed § 430.23(e) would provide for sampling of each basic model to be tested when testing of water heaters is required by the Act or by program regulations of agencies responsible for administering the Act. This provision is intended both to provide an acceptable level of assurance that test results are applicable to any entire basic model for which testing

is required and to minimize the testing burden on manufacturers. FEA believes that the sampling approach proposed today will enable consumers to make meaningful comparisons of information appearing on appliance labels, and also will meet the requirements of section 323(b) of the Act that test procedures not be unduly burdensome to conduct.

Under proposed § 430.23(e), a sample of sufficient size of each basic model would be tested to assure that, for each measure of energy consumption described in § 430.22(e), there is a 90 percent probability that the mean of the values of these measures of the sample is within 10 percent of the true mean of these measures of the basic model. The size of the sample of a particular basic model will depend upon the following factors:

(a) The level of confidence required (set at 90 percent in the proposed regulations);

(b) The maximum allowable difference between the sample mean and the mean of the basic model (expressed in the proposal as a percent of the true mean and set at 10 percent); and

(c) The relationship of the mean and standard deviation of the basic model.

The relationship of the mean and standard deviation of the basic model can be determined from data available to manufacturers. With this information and using standard statistical techniques, manufacturers can determine the number of units required to be tested. In any case, no fewer than 3 units of each basic model must be tested. Sample units would be selected randomly from the production stream.

Manufacturers and other interested persons are encouraged to comment on the sampling approach. Manufacturers are especially encouraged to submit any data which relates to the size of the samples which the provision would require to be tested. Comments alleging that the sampling provision is burdensome should include a full discussion of the facts upon which such allegation is based.

F. REQUEST FOR PARTICULAR COMMENTS

While FEA is soliciting comments on all aspects of the proposed test procedures for water heaters, FEA is particularly interested in receiving comments on any other useful measures of energy consumption or data on typical consumer usage of water heaters in addition to those proposed today.

In addition, FEA is interested in receiving comments on any definitions described in previously proposed § 430.2, as these provisions might affect the testing of water heaters. Comments with respect to water heaters regarding provisions in previously proposed § 430.2 are timely until the close of the written record, as specified below.

G. COMMENT PROCEDURE

1. WRITTEN COMMENT

Interested persons are invited to participate in this rulemaking by submitting data, views or arguments with respect to the proposed test procedures for water heaters set forth in this notice to Execu-

tive Communications, Room 3309, Federal Energy Administration, Box LY, Washington, D.C. 20461.

Comments should be identified on the outside of the envelope and on documents submitted to FEA with the designation "Water Heaters—Proposed Test Procedures." Fifteen copies should be submitted. All comments received by June 15, 1977, before 4:30 p.m., e.s.t., and all other relevant information, will be considered by FEA before final action is taken on the proposed regulations.

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

2. PUBLIC HEARINGS

a. *Request procedure.* The time and place of the public hearing are indicated at the beginning of this preamble.

FEA invites any person who has an interest in the proposed rulemaking issued today, or who is a representative of a group or class of persons that has an interest in today's proposed rulemaking, to make a written request for an opportunity to make an oral presentation. Such a request should be directed to the address indicated at the beginning of this preamble and must be received before 4:30 p.m., e.s.t., on May 31, 1977. Such a request may be hand delivered to such address, between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. A request should be labeled both on the document and on the envelope "Water Heaters—Proposed Test Procedures."

The person making the request should briefly describe the interest concerned; if appropriate, state why she or he is a proper representative of a group or class of persons that has such an interest; and give a concise summary of the proposed oral presentation and a telephone number where she or he may be contacted through June 12, 1977.

FEA will notify, before 4:30 p.m., June 2, 1977, each person selected to appear at a hearing. Each person selected to be heard must submit 50 copies of her or his statement to the address and by the date given in the beginning of this preamble. In the event any person wishing to testify cannot meet the 50 copy requirement, alternative arrangements can be made with the Office of Regulations Management in advance of the hearing by so indicating in the letter requesting an oral presentation or by calling the Office of Regulations Management at 202-254-3345.

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

An FEA official will be designated to preside at the hearing. This will not be

a judicial or evidentiary-type hearing. Questions may be asked only by those conducting the hearing, and there will be no cross-examination of persons presenting statements. Any decision made by FEA with respect to the subject matter of the hearing will be based on all information available to FEA. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity if she or he so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

Any interested person may submit questions to be asked of any person making a statement at the hearing to Executive Communications, FEA, before 4:30 p.m., e.s.t., June 9, 1977. FEA will determine whether the question is relevant, and whether the time limitations permit it to be presented for answer.

Any person who makes an oral statement and who wishes to ask a question at the hearing may submit the question, in writing, to the presiding officer. The presiding officer, will determine whether the question is relevant, and whether the time limitations permit it to be presented for answer.

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

A transcript of the hearing will be made and the entire record of the hearing, including the transcript, will be retained by FEA and made available for inspection at the FEA Freedom of Information Office, Room 2107, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. Any person may purchase a copy of the transcript from the reporter. A copy of NBS' recommendations concerning test procedures for water heaters will also be made available for inspection at the FEA Freedom of Information Office.

H. ENVIRONMENTAL AND INFLATIONARY REVIEW

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

The National Environmental Policy Act of 1969 requires FEA to assess the environmental impacts of any proposal by the Agency for "major Federal actions significantly affecting the quality of the human environment." Since test procedures under the conservation program for appliances will be used only to standardize the measurement of energy usage and will not affect the quantity or distribution of energy usage, FEA has determined that the action of prescribing test procedures, by itself, will not result in any environmental impacts. On this

basis, FEA has determined that, with respect to prescribing test procedures under the conservation program for appliances, no environmental impact statement is required.

The proposal has been reviewed in accordance with Executive Order 11821 as amended by Executive Order 11949, and OMB Circular No. A-107 and has been determined not to be a major proposal requiring evaluation of its economic impact as provided for therein.

(Energy Policy and Conservation Act, Pub. L. 94-163, as amended by Pub. L. 94-385; Federal Energy Administration Act of 1974, Pub. L. 93-275, as amended by Pub. L. 94-385; E.O. 11790, 39 FR 23185)

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

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

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

1. Section 430.2 is amended by adding a subparagraph (5) as part of the definition of "Basic model," by reproposing definitions of "electric water heater," and by adding definitions of "water heater," "gas water heater," and "oil water heater" to read as follows:

§ 430.2 Definitions.

"Basic model" means all units of a given type of covered product manufactured by one manufacturer and—

(5) With respect to water heaters, having essentially identical storage capacity, energy input rating, and essentially identical functional physical and electrical characteristics.

"Electric water heater" means a water heater that utilizes electricity as the energy source; that has a manufacturer's specified energy input rating of 12 kilowatts or less at a voltage no greater than 250 volts, a manufacturer's specified storage capacity of not less than 30 gallons nor more than 120 gallons; and that is designed to produce hot water at a temperature less than 180° F.

"Gas water heater" means a water heater that utilizes gas as the energy source; that has a manufacturer's specified energy input rating of 75,000 Btu per hour or less, a manufacturer's specified storage capacity of not less than 20 gallons nor more than 100 gallons; and that is designed to produce hot water at a temperature less than 180° F.

"Oil water heater" means a water heater that utilizes oil as the energy source; that has a manufacturer's specified energy input rating of 172,500 Btu per hour or less, a manufacturer's specified storage capacity of 50 gallons or less; and that is designed to produce

hot water at a temperature less than 180° F.

"Water heater" means an automatically controlled thermally insulated vessel designed for heating water and storing of heated water, utilizing either oil, gas, or electricity as the energy source for heating water, and intended for residential use.

2. Section 430.22 is amended by adding a paragraph (e), to read as follows:

§ 430.22 Test procedures for measures of energy consumption.

(e) *Water heaters.* (1) The estimated annual operating cost for water heaters shall be—

(i) For an electric water heater, the product of the following three factors: (A) The representative average-use cycle of 365 days per year, (B) the average daily energy consumption in kilowatt hours per day, determined according to 4.6.1.2 of Appendix E of this subpart, and (C) the representative average unit cost in dollars per kilowatt-hour as provided by the Administrator, the resulting product then being rounded off to the nearest dollar per year, and

(ii) For a gas or oil water heater, the product of the representative average-use cycle of 365 days per year times the sum of (A) the product of the daily auxiliary electrical energy consumption in kilowatt hours per day, determined according to 4.6.2.1 of Appendix E of this subpart, times the representative average unit cost in dollars per kilowatt-hour as provided by the Administrator plus (B) the product of the daily gas or oil energy consumption in Btu's per day, determined according to 4.6.2.2 of Appendix E of this subpart, times the representative average unit cost in dollars per Btu as provided by the Administrator, the resulting product then being rounded off to the nearest dollar per year.

(2) The energy factor for water heaters shall be the quotient of daily water heating energy determined according to 4.5 of Appendix E of this subpart divided by the average daily energy consumption as determined according to 4.6 of Appendix E of this subpart, the resulting quotient then being rounded off to the nearest 0.01.

(3) The hot water supply rating, expressed in gallons, shall be determined according to 4.3 of Appendix E of this subpart.

(4) Other useful measures of energy consumption for water heaters shall be those measures of energy consumption for water heaters which the Administrator determines are likely to assist consumers in making purchasing decisions and which are derived from the application of Appendix E of this subpart.

3. Section 430.23 is amended by adding a paragraph (e), to read as follows:

§ 430.23 Units to be tested.

(e) *Water heaters.* (1) When testing of water heaters is required for a meas-

ure or measures of energy consumption described in § 430.22(e), a sample of sufficient size of each basic model shall be tested to ensure that, for each such measure of energy consumption, there is a 90 percent probability that the mean of the sample is within 10 percent of the true mean of such measures of the basic model, except that no fewer than three units of each basic model shall be tested.

(2) The sample selected for paragraph (e) (1) of this section shall be a simple random sample drawn from the production stream of the basic model being tested.

(3) A basic model having dual voltage ratings shall be separately tested at each design voltage such that the requirements of paragraph (e) (1) of this section are satisfied at each rating.

4. Subpart B of Part 430 is amended to add an Appendix E, to read as follows:

APPENDIX E—UNIFORM TEST METHOD FOR MEASURING THE ENERGY CONSUMPTION OF WATER HEATERS

1. DEFINITIONS

1.1 "Heat trap" means a device which can be integrally assembled or independently attached to the hot and/or cold water connections of a water heater such that a portion of this device will develop a cold water seal to minimize the natural convection and resultant heat loss of the hot water stored in the water heater.

1.2 "Recovery efficiency," expressed as a dimensionless ratio, is the ratio of heat absorbed by the water to the heat input to the heating unit during the period that water temperature is raised from inlet temperature to final temperature.

1.3 "Standby loss", expressed in hour^{-1} , is the ratio of the heat lost per hour to the heat content of the stored water above room temperature.

2. TESTING CONDITIONS

2.1 *Installation.* Install the water heater according to the manufacturer's directions, on a $\frac{1}{2}$ -inch-thick plywood platform supported by three 2 x 4-inch runners. Install bends in the cold-water inlet and hot-water outlet piping so that these pipes become horizontal as close as possible to the water heater. Provide a quick-acting valve in the hot water outlet piping at a location beyond the point of temperature measurement, but as close to the water heater as possible, and arranged such that the hot water can discharge into a container and be weighed. Insulate the water inlet and outlet connections and piping which is within 4 feet of the water heater, using a material having an inverse of the overall heat transfer coefficient (R) value of not less than

$$\frac{4^\circ \text{F}}{\text{Btu}/\text{ft}^2\text{-hr}}$$

2.2 *Flue requirements for a gas or oil water heater.* For a gas water heater, connect to the draft-hood outlet a 5-foot vertical flue-pipe extension having a diameter equal to the largest flue-collar size of the draft hood. Perform all tests with the natural draft established by this length of flue pipe. For an oil water heater, establish a draft at the flue collar equivalent to 0.02 inch of water column.

2.3 *Water supply.* During the entire test maintain the water supply to the water heater at a temperature of between 68° F and 72° F, and at a pressure of between 40 pounds per square inch and the maximum pressure specified by the manufacturer for the water heater under test.

2.4 *Energy supply.*

2.4.1 *Electrical supply.* For an electric water heater, and for the auxiliary electrical system, if any, of an oil or gas water heater, maintain the electrical supply to the water heater within one percent of the center of its nameplate voltage range for the entire operating portion of the test cycle. Assume the heating value, Q_h , in Btu per kilowatt-hour, for electrical energy to be 3,412 Btu per kilowatt hour.

2.4.2 *Gas supply.*

2.4.2.1 *Natural gas.* For a gas water heater utilizing natural gas, maintain the gas supply to the heater with a normal inlet test pressure immediately upstream of all controls at 7 to 10 inches of water column. The regulator outlet pressure at normal test pressure shall be approximately that recommended by the manufacturer. Adjust burners to their Btu ratings at normal inlet test pressure. All such adjustments shall be within ± 2 percent of the hourly gas rating specified by the manufacturer. Use natural gas with a heating value of 1,025 Btu's per standard cubic foot. Determine the actual heating value, $Q_{a,n}$, in Btu's per standard cubic foot, for the natural gas to be used in the test, with an error no greater than 1 percent.

2.4.2.2 *Propane gas.* For a gas water heater utilizing propane, maintain the gas supply to the water heater with a normal inlet test pressure immediately upstream of all controls at 11 to 13 inches of water column. The regulator outlet pressure at normal test pressure shall be approximately that recommended by the manufacturer. Adjust burners to their Btu ratings at normal inlet test pressure. All such adjustments shall be within ± 2 percent of the hourly Btu rating specified by the manufacturer. Use propane with a heating value of 2,500 Btu's per standard cubic foot. Determine the actual heating value, $Q_{a,p}$, in Btu's per standard cubic foot, for the propane to be used in the test, with an error no greater than 1 percent.

2.4.3 *Oil supply.* For an oil water heater utilizing fuel oil, maintain an uninterrupted supply of fuel oil to the water heater during the entire operating portion of the test cycle. Use fuel oil with a heating value of 138,500 Btu's per gallon. Determine the actual heating value Q_o , in Btu per gallon for the fuel oil to be used in the test, with an error no greater than 1 percent.

2.5 *Thermocouple installation.* Install along the center line of the water heater tank, six thermocouples (herein "center-line thermocouples"), one at the level of the center plate of each of six sections of equal volume from top to bottom of the tank. Install three inches below the highest water level in the tank, an additional thermocouple (herein "tank-top thermocouple"). Install thermocouples in both the cold-water inlet (herein "cold-water thermocouple") and the hot-water outlet (herein "hot-water thermocouple"), not more than six inches from the connections to the water heater, or, where those connections are inaccessible, at the closest accessible point to those connections. Install in the test room a thermocouple (herein "ambient air thermocouple") at a height of 4 feet from the test-room floor and at a horizontal distance of at least five feet from the water heater under test.

2.6 *Setting of tank thermostat.* Starting with a tank of unheated water, initiate normal operation of the water heater. At the time that the main heating element is turned off by the thermostat (herein "cutout"), determine whether the average of the temperatures measured by the center-line thermocouples (herein "mean center-line temperature") is between 155° F and 165° F. If not turn off the water heater, adjust the thermostat, again fill the tank with unheated water, initiate normal operation of the water heater, and determine the mean center-line temperature at cutout. Repeat this procedure until the mean center-line temperature at cutout is between the 155° F and 165° F, at which time the thermostat is properly set. If the water heater has two thermostats, set the upper thermostat to cut out at a water temperature of 160° F $\pm 5^\circ$ F in the top six inches of the tank and set the lower thermostat to give an average tank water temperature of 160° F $\pm 5^\circ$ F.

2.7 *Energy flow instrumentation.* Install one or more energy flow instruments which measure, as appropriate, and with an error no greater than 1 percent, the quantity of electrical energy, natural gas flow, propane flow, or fuel oil flow supplied to the water heater.

2.8 *Water flow instrumentation.* Install a flow control valve in the inlet water line downstream of the expansion tank and calibrate this flow control valve to provide a flow of 3.0 \pm .25 gallons per minute. Provide instrumentation for measuring the volume of water withdrawn to within ± 1 percent.

2.9 *Room ambient temperature.* Maintain the test room at an ambient air temperature of between 65° F and 85° F, as measured by the ambient-air thermocouples. Maintain room temperature during testing within $\pm 7^\circ$ F of the initial room temperature.

3. MEASUREMENTS

3.1 *Tank storage capacity.* Determine the storage capacity, V, of the water heater under test, in gallons, according to the method specified in 2.26 of the American National Standard for Gas Water Heaters, Volume I, designated ANS Z21.10.1-1975.

3.2 *Power input determination.* Initiate operation of the water heater, and, using the energy flow instrumentation of 2.7 and the actual heating value of 2.4, measure the power input, P, to the burner or heating element of the water heater under test (including gas pilot light power, if any) when the heater or heaters are in operation, in kilowatts or Btu per hour, as appropriate. To the extent possible, adjust the water heater to use the power indicated by its nameplate rating before obtaining the value of P. Maintain any adjustment so made during the entire test procedure. In addition, measure the Power, P_a , if any, used by any auxiliary electrical system when the main heater is in operation, in kilowatts.

3.3 *Recovery efficiency for a gas or oil water heater.* With the water heater turned off, fill the tank with water, and eliminate any residual air remaining in the tank. Continue to flow water through the tank until the mean center-line temperature remains at 70 $\pm 2^\circ$ F. Record the mean center-line temperature (herein "initial mean center-line temperature"). Begin measuring fuel flow (including pilot fuel, if any), and initiate normal operation of the water heater. When cutout occurs, record the maximum mean center-line temperature (herein "maximum mean center-line temperature") and record the total fuel flow, F, from initiation to cutout. Record the temperature difference, D, obtained by subtracting the initial from the maximum mean center-line temperature.

3.4 *Standby loss.* With the water heater operating normally, such that the water temperature is established

in the range specified in 2.6, eliminate any residual air from the tank. At a point in time immediately after a cutoff such that all heating element(s) are off, begin measuring energy flow (including pilot fuel, if any), record the time as the beginning of the test period, and record the initial mean center-line temperature and the initial ambient air temperature. At the end of each time interval not exceeding 15 minutes in duration throughout the test period, record the mean center-line temperature and the ambient air temperature. Continue these measurements until the first cutoff in which all heating element(s) are off following a period of at least 45 hours from the beginning of the test period. When that cutoff occurs, record the time as the end of the test period, record the total energy flow, F_s , from the beginning to the end of the test period, and record the final mean center-line temperature and the final ambient air temperature. Record as the duration, t , of the standby loss test the time, in hours, which elapsed from the beginning to the end of the test period. Calculate the average of the recorded values of the mean center-line temperature and the ambient air temperature taken at the end of each time interval, including in these two averages the initial and final recorded values for these temperatures. Determine the difference, D_s , between these two averages by subtracting the latter from the former, and the difference, D_a , between the final and initial mean center-line temperatures by subtracting the latter from the former.

3.5 *Hot water supply rating.* Establish normal operation of the water heater such that the water temperature is established in the range specified in 2.9. Immediately after a cutoff such that all heating element(s) are off, measure the outlet water temperature (herein "initial outlet water temperature") and record the time, and begin withdrawing water from the tank into a weighing container at a rate of between 2.5 and 3.5 gallons per minute. Continue the withdrawal until the outlet water temperature drops to a value (herein "shutoff temperature") 40° F below the initial outlet water temperature, at which time terminate the withdrawal. If a cutoff of any upper thermostat occurs less than one hour after the initial cutoff, again withdraw water until the outlet water temperature drops to the shutoff temperature. Repeat this cycle until one hour after the initial cutoff, at which time turn off all energy flow to the water heater. If the temperature measured by the tank top thermocouple at that time is higher than the shutoff temperature, withdraw water until the water outlet temperature drops to the shutoff temperature. Record the weight, W , of water withdrawn during this test, in pounds.

4. CALCULATION OF DERIVED RESULTS FROM TEST MEASUREMENTS

4.1 Recovery efficiency.

4.1.1 *Recovery efficiency for a gas or oil water heater.* For a gas or oil water heater, calculate the recovery efficiency, E_r , expressed as a dimensionless quantity and defined as:

$$E_r = \frac{k \times V \times D_r}{F_r \times Q}$$

where

k = nominal specific heat of water in Btu's per gallon degree F = 8.23.

V = tank capacity measured according to 3.1, in gallons.

D_r = difference between the initial and final mean center-line temperatures, measured according to 3.3, in degrees F.

F_r = total energy flow in the recovery efficiency test measured according to 3.3, in appropriate units.

Q = actual heating value, as determined in accordance with 2.4, for the appropriate energy type.

4.1.2 *Recovery efficiency for an electric water heater.* For an electric water heater, calculate the recovery efficiency, E_r , expressed as (dimensionless) quantity and defined as:

$$E_r = 1 - \frac{S \times k \times V \times \Delta s}{P}$$

where

S = standby loss, as calculated in 4.2, in hours⁻¹.

Δs = nominal average difference between the mean center-line temperature and the ambient-air temperature during recovery, in degrees F = 45.

P = water heater input power as determined in 3.2, in Btu per hour.

4.2 *Standby loss.* Calculate the standby loss, S , expressed in hours⁻¹ and defined as:

$$S = \frac{F_s \times Q}{t \times k \times D_s \times V} - \frac{D_a}{t \times D_s \times E_r}$$

where Q , k , and V are as defined in 4.1.1.

F_s = total energy flow in the standby loss test, measured according to 3.4, in appropriate units.

t = duration of standby loss test, measured according to 3.4, in hours.

E_r = E_r , as calculated in 4.1, for gas or oil water heaters; or 1, for electric water heaters.

D_r = difference between the initial and final mean center-line temperatures as determined in the standby-loss test of 3.4, in degrees F and,

D_a = difference between the average value of the mean center-line temperature and the average value of the ambient air temperature during the standby-loss test, as determined in 3.4, in degrees F.

4.3 *Hot water supply rating.* Calculate the hot water supply rating, G , expressed in gallons, and defined as $G = W/d$, where

W = total weight of water withdrawn during the supply rating test of 3.5, in pounds,

d = nominal density of water in pounds per gallon = 8.25.

4.4 *Recovery rate.* Calculate the 90° F-rise recovery rate, R_{90} , expressed in gallons per hour and defined as:

$$R_{90} = \frac{P \times E_r}{k \times \Delta r}$$

where P , E_r , and k are as defined in 4.1.

Δr = nominal difference between the inlet and outlet water temperatures, in °F = 90.

4.5 *Daily water heating energy.* Calculate the daily water heating energy, Z , the energy required to heat the nominal amount of hot water used daily, expressed in Btu and calculated as:

$$Z = \frac{k \times \Delta r \times U}{E_r}$$

where k , E_r , are as defined in 4.1.

Δr is as defined in 4.4, and

U = nominal daily hot water usage in gallons = 64.3.

4.6 *Average daily energy consumption.* Calculate the average daily energy consumption, C .

4.6.1 *Average daily energy consumption for an electric water heater.*

4.6.1.1 *Average daily energy consumption for an electric water heater expressed in Btu.*

$$C_E = Z + m \times (24 - Z/P) - F_H - F_C$$

where

m = average energy required per hour to maintain stored water temperature, in Btu per hour = $S \times k \times \Delta s \times V$.

E_r , k , V , P , and S are as defined in 4.1.

Z is as defined in 4.5.

Δs = nominal difference between the mean centerline temperature and the ambient air temperature in °F = 90.

F_H = daily energy credit for a heat trap if provided for in the hot water outlet = 1,311 Btu.

F_C = daily energy credit for a heat trap if provided for in the cold water inlet = 983 Btu.

4.6.1.2 *Average daily energy consumption for an electric water heater, expressed in kilowatt-hours per day.*

$$C_{EKK} = \frac{C_E}{3,412 \text{ Btu/kWh}}$$

C_E as defined in 4.6.1.1.

4.6.2 *Average daily energy consumption for a gas or oil water heater.*

4.6.2.1 *Daily auxiliary electrical energy consumption expressed in kilowatt hours per day.*

$$P_{ad} = \frac{P_a \times Z/P}{3,412 \text{ Btu/kWh}}$$

P_a = auxiliary electrical power, if any, used by the water heater as determined in 3.2, in Btu per hour.

P as defined in 4.1.

Z as defined in 4.5.

4.6.2.2 *Daily gas or oil energy consumption, expressed in Btu's per day.*

$$C_G = Z + m \times \left(24 - \frac{Z}{P}\right) - F_H - F_C$$

P as defined in 4.1.2.

Z as defined in 4.5, and

F_H , F_C , m as defined in 4.6.1.

4.6.2.3 *Average daily energy consumption for a gas or oil water heater, expressed in Btu's.*

$$C_O = Z + m \times \left(24 - \frac{Z}{P}\right) + P_a \times \frac{Z}{P} - F_H - F_C$$

P as defined in 4.1.3.

Z as defined in 4.5.

P_a , F_C , m as defined in 4.6.1.1, and

P_a as defined in 4.6.2.1.

[FR Doc. 77-11982 Filed 4-21-77; 5:00 pm]

[10 CFR Part 430]

ENERGY CONSERVATION PROGRAM FOR APPLIANCES

Proposed Rulemaking and Public Hearing Regarding Test Procedures for Television Receivers

AGENCY: Federal Energy Administration.

ACTION: Proposed rule.

SUMMARY: The Federal Energy Administration (FEA) hereby proposes to amend Chapter II of Title 10, Code of Federal Regulations, in order to prescribe test procedures for television receivers, pursuant to section 323, 42 U.S.C. 6293, of the Energy Policy and Conservation Act (Act) (Pub. L. 94-1633). The Act requires that standard methods for testing television receivers be prescribed as part of the energy conservation program for appliances. The intended effect of this proposal is to implement the Act's requirements for the solicitation of public comments before the test procedures are prescribed.

DATES: Comments by June 15, 1977, 4:30 p.m.; requests to speak by May 31, 1977, 4:30 p.m.; statement by June 13, 1977, 4:30 p.m. hearing to be held on June 14, 1977, at 1:30 p.m.

ADDRESSES: Comments and requests to speak at the hearing to: Executive Communications, Room 3309, Federal Energy Administration, Box 1Z, Washington, D.C. 20461; statement to: Regulations Management, Federal Energy Administration, Room 2214, 2000 M Street NW., Washington, D.C. 20461.

Hearing held at: Federal Energy Administration, Room 2105, 2000 M Street NW., Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT:

James A. Smith, Room 307, Old Post Office Building, 12th Street and Pennsylvania Avenue NW., Washington, D.C. 20461, 202-566-4635.

SUPPLEMENTARY INFORMATION:

A. BACKGROUND

Development of test procedures is one discrete part of the energy conservation program for appliances. Even when promulgated, final test procedures will not of themselves require testing to be conducted. They will merely establish standard methods for testing when testing is otherwise required by the Act itself or by regulations implementing other parts of the program. For example, the Federal Trade Commission (FTC), in exercising its appliance energy efficiency labelling authority regarding a particular appliance type, may well require the application of substantially less than all of the final test procedures applicable to that appliance type.

By notice issued May 10, 1976 (41 FR 19977, May 14, 1976), FEA proposed to establish Part 430, entitled "Energy Conservation Program for Appliances," in

Chapter II of Title 10 of the Code of Federal Regulations. That notice proposed a Subpart A to Part 430, containing general provisions, and a Subpart C, containing proposed energy efficiency improvement targets. Proposed Subparts A and C have not yet been finalized. A further proposal of Subpart C will be necessary in order to meet the requirements of section 325(a)(1) of the Act as amended by section 161 of the Energy Conservation and Production Act (Pub. L. 94-385).

Subpart A as previously proposed (41 FR 19977, May 14, 1976; 42 FR 15423, March 22, 1977) contained definitions in proposed § 430.2, some of which are applicable to the test procedures for television receivers. In addition, FEA is proposing to add to the definition in § 430.2 of "Basic model", a subparagraph (8) applying specifically to television receivers.

By notice issued July 22, 1976 (41 FR 31237, July 27, 1976), FEA proposed an amendment to proposed Part 430 to add a Subpart B which would contain the appliance test procedures required to be prescribed by section 323 of the Act. The notice issued July 22 described the requirements of section 323 and set forth proposed test procedures for room air conditioners. A further notice issued March 24, 1977 (42 FR 16811, March 30, 1977) solicited comments with respect to a clarification of the provision concerning the number of units to be tested. By notice issued March 17, 1977 (42 FR 15423, March 22, 1977), FEA proposed an amendment setting forth proposed test procedures for dishwashers. Test procedures for several other products are in the process of being proposed at this time.

Section 323(a)(2) of the Act requires FEA to direct the National Bureau of Standards Act (NBS) to develop for 13 types of covered products test procedures for the determination of the estimated annual operating costs and at least one other useful measure of energy consumption which FEA determines is likely to assist consumers in making purchasing decisions. Pursuant to the Act, FEA directed NBS to develop test procedures for FEA's use in prescribing test procedures under the Act. As part of this undertaking, NBS was required to evaluate existing test procedures for measuring energy consumption of television receivers.

NBS has transmitted to FEA a test procedures review document which reviewed existing test procedures for measuring energy consumption for television receivers and recommended test procedures. Copies of this review document will be made available for inspection by interested persons as provided for later in this notice. A test procedure was developed under the Department of Commerce Voluntary Program for Appliance Efficiency but was not issued due to passage of the Act. It is this test procedure that is the basis for test procedures proposed today.

B. MEASURES OF ENERGY CONSUMPTION

The Act requires FEA to prescribe test procedures for the determination of estimated annual operating costs and at least one other useful measure of energy consumption which the Administrator determines is likely to assist consumers in making purchasing decisions. The estimated annual operating cost proposed for television receivers is the product of the representative average unit cost of energy times the total average annual energy consumed when the television receiver is operated in its standard operating mode. The standard operating mode of a television receiver is defined as operation with any vacation switch in its highest energy consuming position.

An additional proposed measure that is likely to assist consumers in making purchasing decisions is the receiver energy efficiency factor, which is defined as a television receiver's estimated minimum average power consumption (kilowatts) multiplied by the annual hours of use (hours/year) divided by the total average annual energy consumed (kilowatt-hours/year) by the television receiver with credit given for the use of any vacation switch. The resultant is then multiplied by 100 and expressed as a percent. The estimated minimum power consumption determined by NBS is 130 watts (.130 kilowatts) for color television receivers and 40 watts (.040 kilowatts) for monochrome television receivers. Among other possible applications, the receiver energy efficiency factor may be used by FEA to determine the efficiency of television receivers for the purposes of the efficiency improvement program described by section 325 of the Act.

The credit to be given in the energy efficiency factor to the use of a vacation switch is dependent upon the extent that the switch is actually used. While no data have been made available which reflect on the frequency of use of the vacation switch, a 50 percent frequency of use basis was established by NBS for any energy saving feature that required consumer interaction. Comments addressing this issue in the context of the initial proposed energy efficiency targets generally agreed with the NBS recommendation that a 50 percent figure for consumer usage be utilized when actual usage is unknown. FEA, accordingly, proposes to use the 50 percent energy consumption adjustment for use of vacation switches on television receivers.

FEA recognizes that there may be additional useful measures of energy consumption for television receivers other than the measures described above. Accordingly, today's proposal, in proposed § 430.22(h)(3), provides for other useful measures which the Administrator determines are likely to assist consumers in making purchasing decisions. These measures, however, must be derived from the application of the uniform test method proposed today as Appendix H to Subpart B. Television manufacturers would, if required only have to perform

various computations while still applying the same test method contained in Appendix H. For example, if the Administrator determined that a per-hour cost would aid consumers in making purchasing decisions, this cost could be derived by applying the uniform test method and dividing by the annual usage to arrive at a per-hour figure.

C. LABORATORY METHODOLOGY

Proposed Appendix H to Subpart B provides for a controlled laboratory environment for measuring the energy consumption of television receivers which are available to the consumer. Due to the fact that the power consumption of a television receiver is strongly dependent on the average picture luminance (brightness), the operating power consumption is computed by averaging the power measured at the maximum power consumption (standard white pattern) and at the minimum power consumption (standard black pattern). Separate measurements are made to determine the power consumption of the remote control and filament keep-warm features. Measurements are also included for the power consumed when a television receiver is in the standby or off mode. From these measurements the total average annual energy consumption for either operating mode can be calculated, using Appendix H.

D. REPRESENTATIVE AVERAGE-USE CYCLE

Section 323(b)(2) (42 U.S.C. 6293(b)(2)) of the Act provides that test procedures for determining estimated annual operating costs of any covered product shall be calculated from measurements of energy use in a representative average-use cycle (as determined by the Administrator) and from representative average unit costs (as provided by the Administrator) needed to operate such product during such cycle. FEA has determined that the representative average use cycle of television receivers is 2,200 hours of viewing time annually. This means that in a one year period, the average television receiver has an operating time of 2,200 hours and a standby or off time of 6,500 hours. This determination is based upon NBS' recommendation to FEA which, in turn, is based upon a survey conducted by the A. C. Nielsen Company to determine the national average use patterns of television receiver viewing time. NBS' recommendation and the Nielsen survey are available for inspection as provided for later in this notice.

FEA intends to develop representative average unit costs of energy needed to calculate the annual operating cost for the representative average-use cycle and to provide this information to manufacturers and FTC on or before the effective date of test procedures for television receivers.

E. NUMBER OF UNITS TO BE TESTED

Proposed § 430.23(h) would provide for sampling of each basic model to be tested when testing of television receivers is required by the Act or by program regu-

lations of agencies responsible for administering the Act. This provision is intended both to provide an acceptable level of assurance that test results are applicable to any entire basic model for which testing is required and to minimize the testing burden on manufacturers. FEA believes that the sampling approach proposed today will enable consumers to make meaningful comparisons of information appearing on appliance labels, and also will meet the requirements of section 323(b) of the Act that test procedures not be unduly burdensome to conduct.

Under proposed § 430.23(h), a sample of sufficient size of each basic model would be tested to assure that, for each measure of energy consumption described in § 430.22(h), there is a 95 percent probability that the mean of the values of these measures of the sample is within five percent of the true mean of these measures of the basic model. The size of the sample of a particular basic model will depend upon the following factors:

(a) The level of confidence required (set at 95 percent in the proposed regulations);

(b) The maximum allowable difference between the sample mean and the mean of the basic model (expressed in the proposal as a percent of the true mean and set at five percent); and

(c) The relationship of the mean and standard deviation of the basic model.

The relationship of the mean and standard deviation of the basic model can be determined from data available to manufacturers. With this information and using standard statistical techniques, manufacturers can determine the number of units required to be tested. In any case, no fewer than 3 units of each basic model must be tested. Sample units would be selected randomly from the production stream.

Manufacturers and other interested persons are encouraged to comment on the sampling approach. Manufacturers are especially encouraged to submit any data which relates to the size of the samples which the provision would require to be tested. Comments alleging that the sampling provision is burdensome should include a full discussion of the facts upon which such allegation is based.

F. REQUEST FOR PARTICULAR COMMENTS

While FEA is soliciting comments on all aspects of the proposed test procedures for television receivers, FEA is particularly interested in receiving comments on any other useful measures of energy consumption or data on typical consumer usage of television receivers in addition to those proposed today.

In addition, FEA is interested in receiving comments on any definitions described in previously proposed § 430.2, as these provisions might affect the testing of television receivers. Comments with respect to television receivers regarding provisions in previously proposed § 430.2 are timely until the close of the written record, as specified below. For the convenience of the reviewer, the proposed

definition of television receivers (41 FR 19979, May 14, 1976) is as follows:

Section 430.2 *Definitions*. "Color television receiver" means an apparatus designed to convert incoming broadcast signals into color television pictures with the customarily associated sound. It is or can be powered by alternating electric current and is produced primarily for residential use.

"Monochrome television receiver" means an apparatus designed to convert incoming broadcast signals into monochrome television pictures with the customarily associated sound. It is or can be powered by alternating electric current and is produced primarily for residential use.

G. COMMENT PROCEDURE

1. WRITTEN COMMENT

Interested persons are invited to participate in this rulemaking by submitting data, views or arguments with respect to the proposed test procedures for television receivers set forth in this notice to Executive Communications, Room 3309, Federal Energy Administration, Box LZ, Washington, D.C. 20461.

Comments should be identified on the outside of the envelope and on documents submitted to FEA with the designation "Television Receivers—Proposed Test Procedures." Fifteen copies should be submitted. All comments received by June 15, 1977, before 4:30 p.m., e.s.t., and all other relevant information, will be considered by FEA before final action is taken on the proposed regulations.

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

2. PUBLIC HEARINGS.

a. *Request procedure.* The time and place of the public hearing are indicated at the beginning of this preamble.

FEA invites any person who has an interest in the proposed rulemaking issued today, or who is a representative of a group or class of persons that has an interest in today's proposed rulemaking, to make a written request for an opportunity to make an oral presentation. Such a request should be directed to the address indicated at the beginning of this preamble and must be received before 4:30 p.m., e.s.t., on May 31, 1977. Such a request may be hand delivered to such address, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. A request should be labeled both on the document and the envelope "Television Receivers—Proposed Test Procedures."

The person making the request should briefly describe the interest concerned; if appropriate, state why she or he is a proper representative of a group or class of persons that has such an interest; and give a concise summary of the proposed oral presentation and a telephone number where she or he may be contacted through June 13, 1977.

FEA will notify, before 4:30 p.m., June 2, 1977, each person selected to appear

at a hearing. Each person selected to be heard must submit 50 copies of her or his statement to the address and by the date give in the beginning of this preamble. In the event any person wishing to testify cannot meet the 50 copy requirement, alternative arrangements can be made with the Office of Regulations Management in advance of the hearing by so indicating in the letter requesting an oral presentation or by calling the Office of Regulations Management at 202-254-3345.

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

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

Any interested person may submit questions to be asked of any person making a statement at the hearing to Executive Communications, FEA, before 4:30 p.m., e.s.t., June 9, 1977. FEA will determine whether the question is relevant, and whether the time limitations permit it to be presented for answer.

Any person who makes an oral statement and who wishes to ask a question at the hearing may submit the question, in writing, to the presiding officer. The presiding officer, will determine whether the question is relevant, and whether the time limitations permit it to be presented for answer.

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

A transcript of the hearing will be made and the entire record of the hearing, including the transcript, will be retained by FEA and made available for inspection at the FEA Freedom of Information Office, Room 2107, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. Any person may purchase a copy of the transcript from the reporter. A copy of NBS' recommendations concerning test procedures for television receivers along with a related Nielsen Survey will also be made available for inspection at the FEA Freedom of Information Office.

H. ENVIRONMENTAL AND INFLATIONARY REVIEW

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

The National Environmental Policy Act of 1969 requires FEA to assess the environmental impacts of any proposal by the Agency for "major Federal actions significantly affecting the quality of the human environment." Since test procedures under the conservation program for appliances will be used only to standardize the measurement of energy usage and will not affect the quantity or distribution of energy usage, FEA has determined that the action of prescribing test procedures, by itself, will not result in any environmental impacts. On this basis, FEA has determined that, with respect to prescribing test procedures under the conservation program for appliances, no environmental impact statement is required.

Note.—The proposal has been reviewed in accordance with Executive Order 11821 as amended by Executive Order 11949, and OMB Circular No. A-107 and has been determined not to be a major proposal requiring evaluation of its economic impact as provided for therein.

(Energy Policy and Conservation Act, Pub. L. 94-163, as amended by Pub. L. 94-385; Federal Energy Administration Act of 1974, Pub. L. 93-275, as amended by Pub. L. 94-385; E.O. 11790, 39 FR 23185.)

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

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

Eric J. Fygi,
Acting General Counsel,
Federal Energy Administration.

1. Section 430.2 is amended by adding subparagraph (8) as part of the definition of "Basic model," to read as follows:

§ 430.2 Definitions.

"Basic model" means all units of a given type of covered product manufactured by one manufacturer and—

(8) With respect to television receivers, having identical screen size for color and monochrome, and essentially identical functional physical and electrical characteristics.

2. Section 430.22 is amended by adding a paragraph (h) to read as follows:

§ 430.22 Test procedures for measures of energy consumption.

(h) *Television receivers.* (1) The estimated average annual operating cost for

television receivers shall be the product of—

(i) The total average annual energy consumed by the television receiver when operated in the standard operating mode in kilowatt-hours per year, determined according to 3.4.1 of Appendix H of this subpart, and

(ii) The representative average unit cost in dollars per kilowatt-hour as provided by the Administrator, the resulting product then being rounded off to the nearest dollar per year.

(2) The receiver energy efficiency factor for television receivers, expressed in percent, shall be—

(i) For color television receivers, the product of the estimated minimum power requirement (.130 kilowatts) and the average annual hours of use (2,200 hr/yr.), divided by the total average annual energy consumed by the television receiver when operated in the vacation operating mode in kilowatt-hours per year, determined according to 3.4.2 of Appendix H to this subpart. The resultant is then multiplied by 100 and expressed as a percent, and

(ii) For monochrome television receivers, the product of the estimated minimum power requirement (.040 kilowatts) and the average annual hours of use (2,200 hr/yr.), divided by the total average annual energy consumed by the television receiver when operated in the vacation operating mode in kilowatt-hours per year determined according to 3.4.2 of Appendix F of this subpart. The resultant is then multiplied by 100 and expressed as a percent.

(3) Other useful measures of energy consumption for television receivers shall be those measures of energy consumption for television receivers which the Administrator determines are likely to assist consumers in making purchasing decisions and which are derived from the application of Appendix H of this subpart.

3. Section 430.23 is amended by adding a paragraph (h), to read as follows:

§ 430.23 Units to be tested.

(h) *Television receivers.* (1) When testing of television receivers is required for a measure or measures of energy consumption described in § 430.22(h) of this subpart, a sample of sufficient size of each basic model shall be tested to ensure that, for each such measure of energy consumption, there is a 95 percent probability that the mean of the sample is within five percent of the true mean of such measures of the basic model, except that no fewer than three units of each basic model shall be tested.

(2) The sample selected for paragraph (h) (1) of this section shall be a simple random sample drawn from the production stream of the basic model being tested.

4. Subpart B of Part 430 is amended to add an Appendix H, to read as follows:

APPENDIX H—UNIFORM TEST METHOD FOR MEASURING THE ENERGY CONSUMPTION OF TELEVISION RECEIVERS

1. DEFINITIONS

1.1 "IRE-unit flat field" means a specific video electrical signal which results in a particular level of brightness of the television screen as established by the Institute of Radio Engineers.

1.2 "Filament keep-warm" means a feature that provides a voltage to keep vacuum tube and/or picture tube filaments warm for the purpose of allowing almost instantaneous response to the power control switch.

1.3 "Operating time" (*t_o*) means the hours per year during which the television receiver is operating with the power control switch turned on.

1.4 "Remote control" means an optional feature which allows the user to control the television receiver from more than one location by a hand held device.

1.5 "Standard operating mode" means operation of a television receiver with the filament keep-warm switch in its highest energy consuming position.

1.6 "Standby power consumption" (*P_s*) means the minimum amount of energy consumed with the power control switch turned off.

1.7 "Standby time" (*t_s*) means the hours per year during which the television receiver is connected to a power outlet with the power control switch turned off.

1.8 "Vacation operating mode" means operation of a television receiver with the vacation switch in its lowest energy consuming position during 50 percent of the standby time.

1.9 "Vacation switch" means an optional energy saving feature incorporated into the design of a television receiver that permits the user to disconnect the filament keep-warm circuit(s).

2. TESTING CONDITIONS

2.1 Test equipment. The following equipment shall be used for testing of television receivers:

2.1.1 Regulated power source capable of supplying 120 volts alternating current ±1 percent.

2.1.2 Signal generator capable of producing radio frequency (RF) television test signals, at a convenient very high frequency (VHF) channel, modulated with National Television System Committee composite video as follows:

2.1.2.1 Standard White Pattern, RF signal modulated to 87 percent with a 100 IRE-unit flat field.

2.1.2.2 Standard Black Pattern, all adjustments as for 2.1.2.1 except modulated with a zero IRE-unit flat field.

2.1.2.3 The test signals in 2.1.2.1 and 2.1.2.2, supplied by a source whose impedance equals the design antenna impedance of the television receiver under test, adjusted to a level of 70 decibels (dB) ±3 dB, referred to a zero dB level of one femtowatt (1×10⁻¹⁵ watt) available power. (For 70 dB from a 300-ohm source, one femtowatt corresponds to an open-circuit voltage of 3.5 millivolts. For the calculation of "available power" use American National Standard C16.13-1961, Method of Testing Monochrome Television Broadcast Receivers.)

2.1.3 Wattmeter capable of measuring the average power consumption of the television receiver under test with an error of not more than 1 percent.

2.2 Initial Set-up of Television Receiver.

2.2.1 Remove all batteries from television receivers designed for both battery and alternating current operation. Deactivate all preset or automatic controls affecting brightness which are customer options. Adjust all non-customer controls according to the manufacturer's service procedure.

2.2.2 Apply power to the television receiver under test from the power source specified in 2.1.1 through the wattmeter specified in 2.1.3. Adjust the volume control to the lowest possible setting.

2.2.3 Connect the output of the signal generator as specified in 2.1.2 to the VHF antenna terminals of the television receiver. Tune the television receiver to the channel of the RF signal.

2.3 Measurement of Operating Power Consumption (*P_o*).

2.3.1 Turn on the television receiver and allow at least five minutes warm-up time. With the synchronization controls adjusted for a stable test pattern, apply the standard white pattern of 2.1.2.1 to the television receiver. Adjust any customer controls other than the volume or synchronization controls for maximum power consumption as indicated by the wattmeter specified in 2.1.3. Illuminate any room illuminance sensor which has not been deactivated, to produce maximum power consumption. Record the white pattern power consumption (*P_w*) as indicated by the wattmeter in watts.

2.3.2 Change the signal source to the standard black pattern specified in 2.1.2.2. Adjust any customer controls, other than the volume or synchronization controls, for the minimum power consumption as indicated by the wattmeter. Cover any room illuminance sensor which has not been deactivated. Record the black pattern power consumption (*P_b*) as indicated by the wattmeter in watts.

2.3.3 Compute the operating power consumption (*P_o*) as follows:

$$P_o = \frac{P_w + P_b}{2}$$

where

P_o = operating power consumption in watts.

P_{s0} = as determined from 2.3.1.

P_{s1} = as determined from 2.3.2.

2.4 Measurement of Standby Power Consumption (P_s)

2.4.1 Turn the television receiver power switch off and the vacation switch, if any, to the position of the lowest power consumption as indicated by the wattmeter. After at least two minutes, record the wattmeter reading in watts.

2.5 Measurement of Additional Power Consumption from Use of Filament Keep-Warm (Instant-on) Circuit(s) (P_{kw})

2.5.1 After the test of 2.4 for P_o , turn the vacation switch to the position of highest power consumption as indicated by the wattmeter. After at least two minutes, record the wattmeter reading in watts.

2.5.2 Compute P_{kw} by subtracting the value of P_s from the value found in 2.5.1.

2.6 Measurement of Additional Power Consumption from the Use of Remote Control (P_r), Whether or Not There is a Filament Keep-Warm (Instant-on) Device.

2.6.1 With the television receiver power switch off, turn any vacation switch to the position of lowest power consumption. Turn the television receiver power switch on. Turn the television receiver off using the remote control. After at least two minutes, record the wattmeter reading in watts.

2.6.2 Compute P_r by subtracting the value of P_s from the value found in 2.6.1.

3. Average Annual Energy Consumption Computation.

3.1 Base Annual Energy Consumption (E_b) (kWh/yr).

$$E_b = \frac{P_o t_o}{1,000} + \frac{P_s t_s}{1,000} = 2.2 P_o + 6.56 P_s$$

where

E_b = base annual energy consumption, kWh/yr.

P_o = operating power consumption as computed in 2.3.3.

t_o = operating time, 2,300 hr/yr.

P_s = standby power consumption as computed in 2.4.1.

t_s = standby time, 6,560 hr/yr.

3.2 Annual Filament Keep-Warm (Instant-on) Energy Consumption (E_{kw})

$$E_{kw} = (P_{kw}/1,000) \times t_{kw} = 6.56 P_{kw}$$

where

E_{kw} = Annual filament keep-warm energy consumption, kWh/yr.

$P_{kw}/1,000$ = Keep-warm power consumption expressed in kilowatts.

t_{kw} = standby time, 6,560 hr/yr.

3.3 Annual Remote Control Energy Consumption (E_r)

E_r = annual remote control energy consumption, kWh/yr.

$P_r/1,000$ = remote control power consumption, expressed in kilowatts.

t_r = standby time, 6,560 hr/yr.

3.4 Total Average Annual Energy Consumption.

3.4.1 For the standard operating mode:

$$E_s = E_b + E_{kw} + E_r$$

where

E_s = total average annual energy consumed by the television receiver when operated in the standard operating mode (kWh/yr).

3.4.2 For the vacation operating mode:

$$E_v = E_b + .5 E_{kw} + E_r$$

where

E_v = total average annual energy consumed by the television receiver when operated in the vacation operating mode (kWh/yr).

[FR Doc. 77-11983 Filed 4-21-77; 5:00 pm]

[10 CFR Part 430]

ENERGY CONSERVATION PROGRAM FOR APPLIANCES

Proposed Rulemaking and Public Hearing Regarding Test Procedures for Refrigerators and Refrigerator-Freezers and Freezers

AGENCY: Federal Energy Administration.

ACTION: Proposed rule.

SUMMARY: The Federal Energy Administration (FEA) hereby proposes to amend Chapter II of Title 10, Code of Federal Regulations in order to prescribe test procedures for refrigerators and refrigerator-freezers and freezers pursuant to section 323, 42 U.S.C. 6293, of the

Energy Policy and Conservation Act (Act) (Pub. L. 94-163). The Act requires that standard methods for testing refrigerators and refrigerator-freezers and freezers be prescribed as part of the energy conservation program for appliances. The intended effect of this proposal is to implement the Act's requirements for the solicitation of public comments before the test procedures are prescribed.

DATES: Comments by June 15, 1977 4:30 p.m.; requests to speak by May 31, 1977 4:30 p.m.; statements by June 13, 1977; hearing to be held on June 14, 1977, at 9:30 a.m.

ADDRESSES: Comments and requests to speak at the hearing to: Executive Communications, Room 3309, Federal Energy Administration, Box MA, Washington, D.C. 20461; statements to Regulations Management, Federal Energy Administration, Room 2214, 2000 M Street NW., Washington, D.C. 20461.

Hearing held at: Federal Energy Administration, Room 2105, 2000 M Street NW., Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT:

James A. Smith, Room 307, Old Post Office Building, 12th Street and Pennsylvania Avenue NW., Washington, D.C. 20461, 202-566-4635.

SUPPLEMENTARY INFORMATION:

A. BACKGROUND

Development of test procedures is one discrete part of the energy conservation program for appliances. Even when promulgated, final test procedures will not of themselves require testing to be conducted. They will merely establish standard methods for testing when testing is otherwise required by the Act itself or by regulations implementing other parts of the program. For example, the Federal Trade Commission (FTC), in exercising its appliance energy efficiency labelling authority regarding a particular appliance type, may well require the application of substantially less than all of the final test procedures applicable to that appliance type.

By notice issued May 10, 1976 (41 FR 19977, May 14, 1976), FEA proposed to establish Part 430, entitled "Energy Conservation Program for Appliances," in Chapter II of Title 10 of the Code of Federal Regulations. That notice proposed a Subpart A to Part 430, containing general provisions, and a Subpart C, containing proposed energy efficiency improvement targets. Proposed Subparts A and C have not yet been finalized. A further proposal of Subpart C will be necessary in order to meet the requirements of section 325(a)(1) of the Act as amended by section 161 of the Energy Conservation and Production Act (Pub. L. 94-385).

Subpart A as previously proposed (41 FR 19977, May 14, 1976, 42 FR 15422, March 22, 1977) contained definitions in proposed § 430.2, some of which are applicable to the test procedures for re-

frigerators and refrigerator-freezers and freezers. In addition, FEA is proposing to add to the definition in § 430.2 of "Basic model", a subparagraph (1) applying specifically to refrigerators and refrigerator-freezers, and a subparagraph (2) applying specifically to freezers.

By notice issued July 22, 1976 (41 FR 31237, July 27, 1976), FEA proposed an amendment to proposed Part 430 to add a Subpart B which would contain the appliance test procedures required to be prescribed by section 323 of the Act. The notice issued July 22 described the requirements of section 323 and set forth proposed test procedures for room air conditioners. A further notice issued March 24, 1977 (42 FR 16811, March 30, 1977) solicited comments with respect to a clarification of the provision concerning the number of units to be tested. By notice issued March 17, 1977 (42 FR 15423, March 22, 1977) FEA proposed an amendment setting forth proposed test procedures for dishwashers. Test procedures for several other products are in the process of being proposed at this time.

Section 323(a)(2) of the Act requires FEA to direct the National Bureau of Standards (NBS) to develop for 13 types of covered products test procedures for the determination of the estimated annual operating costs and at least one other useful measure of energy consumption which FEA determines is likely to assist consumers in making purchasing decisions. Pursuant to the Act, FEA directed NBS to develop test procedures for FEA's use in prescribing test procedures under the Act. As part of this undertaking, NBS was required to evaluate existing test procedures for measuring energy consumption of refrigerators and refrigerator-freezers and freezers.

NBS has transmitted to FEA test procedure review documents which reviewed existing test procedures for measuring energy consumption for refrigerators and refrigerator-freezers and freezers, and recommended test procedures. Copies of this review document will be made available for inspection by interested persons as provided for later in this notice. Under the Department of Commerce's (DOC) Voluntary Program for Appliance Efficiency, NBS proposed test procedures for refrigerators and refrigerator-freezers (40 FR 26298, June 23, 1975) and freezers (40 FR 26287, June 23, 1975) prior to the enactment of the Act. These test procedures were based on the Association of Home Appliance Manufacturers' (AHAM) Standard HRF-2-ECFT-1975 and the American National Standard (ANS) B38.1-1970. Test procedures were not finalized under the DOC's voluntary program due to passage of the Act.

The test procedures recommended by NBS and proposed today incorporate the procedures for measuring average energy consumption per cycle type as described in AHAM Standard HRF-2-ECFT-1975 and the procedures for determining the net refrigerated volume as described in ANS B38.1-1970 and, in addition, pro-

vide procedures for determining the estimated annual operating costs and energy efficiency of refrigerators and refrigerator-freezers and freezers. For the purposes of this proposal the AHAM Standard HRF-2-ECFT-1975 is modified by Appendix B of the proposal to change the freezer multiplication factor in 4.4.2 of the AHAM Standard from 0.9 to 0.7 for chest freezers and 0.85 for upright freezers.

B. MEASURES OF ENERGY CONSUMPTION

The Act requires FEA to prescribe test procedures for the determination of estimated annual operating costs and at least one other measure of energy consumption which the Administrator determines is likely to assist consumers in making purchasing decisions. The estimated annual operating cost is the product of the representative average-use cycle times the cost of energy used per cycle for the normal cycle. The cost of energy used per normal cycle is, in turn, dependent upon the representative average unit energy costs as provided by the Administrator and the energy consumed in the normal cycle. The "normal cycle" is proposed as the cycle type upon which the estimated annual operating cost is based. The normal cycle for a refrigerator and refrigerator-freezer and freezer without an anti-sweat heater switch (described below) would be defined as the operation of the refrigerator and refrigerator-freezer and freezer as required by the proposed test procedures (§§ 430.22(a)(1), 430.22(b)(1)). The normal cycle for a refrigerator and refrigerator-freezer and freezer with an anti-sweat heater switch would be defined as the operation of the product as required by the proposed test procedures (§§ 430.22(a)(1), 430.22(b)(1)) with the anti-sweat heater switch in the highest energy consuming position.

Also proposed as test procedures (§§ 430.22(a)(2), 430.22(b)(2)) for the determination of other measures of energy consumption which are likely to assist consumers in making purchasing decisions are test procedures regarding the estimated annual operating cost for any specified cycle type other than the normal cycle. As with test procedures for the estimated annual operating cost, these test procedures could be used to provide consumers with useful cost information regarding refrigerator and refrigerator-freezer and freezer operation with the anti-sweat heater switch either in the lowest energy consuming position for a cycle (24 hours) or with the anti-sweat heater switch set in the lowest energy position for a pre-determined percentage of the cycle. For example, if the estimated annual operating cost of the refrigerator and refrigerator-freezer or freezer with a cycle type in which the anti-sweat heater switch is set in the lowest energy consuming position were presented to the consumer along with information regarding the normal cycle, potential purchasers would have more complete information by which to compare the operating costs of units which use anti-sweat heaters,

units which use anti-sweat heaters in conjunction with a switch, and units which use sweat control methods other than a heater.

It is proposed that the estimated annual operating cost for any other specified cycle type be determined similarly to the determination of such cost for the normal cycle, except that any required tests would be run on the specified cycle and not on the normal cycle. The application of these test measures, however, is not required until an appropriate authority, such as FTC in exercising its authority pursuant to the appliance labeling provisions of the program, has specified the cycle type(s) for which estimated annual operating costs are required to be measured.

An additional proposed measure (§§ 430.22(a)(3), 430.22(b)(3)) that is likely to assist consumers in making purchasing decisions is the energy factor. If the appliance does not have an anti-sweat switch, the energy factor would be defined as the quotient of the adjusted total refrigerated volume (as defined in 1.1 of Appendix A to Subpart B), in cubic feet, of refrigerators and refrigerator-freezers and the net refrigerated volume, in cubic feet, of freezers, divided by the energy consumption for the normal cycle in kilowatt-hours per cycle. For refrigerators and refrigerator-freezers and freezers with an anti-sweat heater switch, the energy factor would be defined as the quotient of the adjusted total volume, in cubic feet, for refrigerators and refrigerator-freezers and the net refrigerated volume, in cubic feet, for freezers, divided by one half the sum of (i) the total per-cycle kilowatt-hour energy consumption with the anti-sweat heater switch set in the lowest energy consuming position. Among other possible applications, the energy factor may be used by FEA to determine the efficiency of refrigerators and refrigerator-freezers and freezers for the purposes of the efficiency improvement program described by section 325 of the Act.

Some refrigerator and refrigerator-freezer and freezer manufacturers use an "anti-sweat heater" (defined in 1.2 of Appendix A to Subpart B) to keep condensation from forming on the exterior surfaces of the cabinet under adverse (high humidity) ambient conditions. The anti-sweat heater, while keeping condensation from forming on the exterior surfaces of the cabinet, also adds to the heat load that must be removed by the refrigerator and refrigerator-freezer or freezer in order to lower cabinet temperatures for food preservation. By controlling the operation of the anti-sweat heater with a switch such that the heater is operating at a level required by the ambient conditions and not at full capacity when not required, the energy consumed by the refrigerator and refrigerator-freezer or freezer is generally reduced. Accordingly, the energy consumption setting of an anti-sweat heater switch affects the energy consumption of the refrigerator and refrigerator-freezer and freezer and, as such, would be defined as a cycle type.

The procedure proposed in §§ 430.22(a)(3) and 430.22(b)(3) for measuring the contribution of an anti-sweat heater switch that reduces the energy consumption requirements of the anti-sweat heater assumes that the switch is in the lowest energy consuming position 50 percent of the time. A 50 percent frequency of use basis was established under the DOC's Voluntary Appliance Efficiency Program for any feature that required consumer interaction and for which actual usage was unknown. Further, in public hearings held by FEA on the initial proposed energy efficiency targets, several appliance manufacturers recommended that a 50 percent figure for consumer usage be utilized when actual usage is unknown. One manufacturer, however, submitted survey data that indicated that approximately 80 percent of the respondents to its survey reported the "usual" position was "dry" (the lowest energy consuming position) and recommended that an 80 percent credit be given for the use of an anti-sweat heater switch.

FEA is proposing a 50 percent frequency of use factor for usage of the anti-sweat heater switch for computing the energy factor because it believes that to be a reasonable estimate of actual consumer usage. FEA will modify the contribution of energy saving features, such as the anti-sweat heater switch, if usage information is developed that indicates that other frequency of use patterns exist.

Refrigerators and refrigerator-freezers have two different temperature zones—a fresh food storage compartment that operates, on the average, at about 38° F and a frozen food storage compartment that operates, on the average, at approximately 5° F for a refrigerator-freezer and 15° F for a refrigerator. The refrigerator and refrigerator-freezer with a large percentage of its net refrigerated volume devoted to the freezer compartment must cool a larger volume to a lower temperature than a similar model with a smaller freezer compartment. Hence, while the model with the larger freezer volume tends to consume more energy than the model with the smaller freezer volume, it is performing a larger measure of work, i.e., cooling a larger volume.

In order to evaluate two basic model groups with identical net refrigerated volumes but different net freezer refrigerated volumes, a correction factor is applied to the net freezer refrigerated volume. This correction factor is the ratio of heat flow through a freezer compartment wall to the surrounding environment to the heat flow through an equivalent fresh food compartment wall. This ratio is approximated by the ratio of the temperature difference between the ambient air (90° F) and the refrigerated compartment temperatures of 5° F for the refrigerator-freezers' freezer compartment or 15° F for the refrigerators' freezer compartment, and 38° F for the fresh food compartments. Accordingly, a correction factor of 1.44 $(90° F - 15° F) / (90° F - 38° F) = 1.44$ for refrigerators, and 1.63 $(90° F - 5° F) / (90° F -$

38° F) = 1.63) for refrigerator-freezers is assigned.

The correction factor means that it takes approximately 1.63 times more energy to maintain a given insulated space at 5° F than at 38° F in a 90° F ambient. Accordingly, in determining the energy factor of refrigerators and refrigerator-freezers, the product of the net freezer refrigerated volume in cubic feet multiplied by the appropriate correction factor is added to the net general refrigerated volume in cubic feet to determine the adjusted total refrigerated volume. As previously described, the quotient of the adjusted total refrigerated volume in cubic feet divided by the per-cycle energy consumption in kilowatt-hours per-cycle is the energy factor.

FEA recognizes that there may be additional useful measures of energy consumption for refrigerators and refrigerator-freezers and freezers other than the measures described above. Accordingly §§ 430.22 (a) (4) and (b) (4) provide for other useful measures which the Administrator determines are likely to assist consumers in making purchasing decisions. These measures, however, must be derived from the application of the uniform test methods proposed today as Appendices A and B to Subpart B. Refrigerator and refrigerator-freezer and freezer manufacturers would, if required, only have to perform various computations while still applying the same test methods contained in Appendices A and B. For example, if the Administrator determined that a per-cycle cost for a specified cycle type would aid consumers in making purchasing decisions, this cost could be derived by applying the uniform test method for that cycle type and dividing by the annual usage to arrive at a per-cycle figure.

C. LABORATORY METHODOLOGY

Proposed Appendices A and B to Subpart B provide for a controlled laboratory environment for measuring energy consumption for the various refrigerators and refrigerator-freezers and freezers (and their various cycle types) which are available to the consumer. The proposed test methods in Appendices A and B measure energy consumption in kilowatt-hours per cycle for the refrigerator and refrigerator-freezer and freezer under test. From these standard measures of energy consumption, using the proposed refrigerator and refrigerator-freezer test procedures (§ 430.22(a)) and freezer test procedures (§ 430.22(b)) (which include the values of the representative average-use cycle and the representative average unit costs of energy), various determinations of refrigerator and refrigerator-freezer and freezer energy costs and energy consumption can be derived in a standard fashion.

The test method contained in AHAM Standard HRF-2-ECPT-1975 simulates home usage of refrigerators, refrigerator-freezers and freezers in a standardized manner to provide accurate and repeatable data that correlate with home usage data. The use of a 32.2° C (90° F) ambient temperature, closed door test

method, modified by the application of a correction factor when appropriate, compensates for the door openings, different ambient temperatures and food loads which are imposed upon the units in actual home use.

A correction factor is applied to the energy consumption values of the laboratory tests when the laboratory test values do not match field survey energy consumption values. For example, home freezers are often located on porches or in basements where the ambient temperatures are on the average much lower than the 90° F ambient temperature specified in the proposed test procedure.

Correlations of the laboratory test results using the proposed test methods with field survey data have been performed by NBS, in conjunction with the industry, on 246 refrigerator-freezers. These data show the average energy consumption in actual home use to be 1.02 times that measured in the laboratory tests using the proposed test method. For refrigerators, based on a sample of 9, the average home use energy consumption is 92 percent of the energy consumption measure by the proposed test method. These values are approximately equal to the laboratory test results. Copies of the results of this survey will be made available for inspection by interested persons as provided for later in this notice. Until further data are collected and indicate that the values are not representative, correction factors are not proposed for the laboratory test energy consumption values for refrigerators and refrigerator-freezers.

The actual home use energy consumption data obtained from 176 upright freezers indicate that home upright freezer energy consumption is 85 percent of that determined in laboratory tests using the proposed test method. Accordingly, it is proposed that the upright freezer laboratory test results determined according to the proposed test method be multiplied by a correction factor of .85 (4.1.2 of Appendix B to Subpart B). The actual home use energy consumption data obtained from 62 chest freezers indicate that the average chest home freezer energy consumption is 71 percent of the energy consumption value determined in the laboratory with the proposed test method. Accordingly, it is proposed that the chest freezer laboratory test results determined according to the proposed test method be multiplied by a correction factor of 0.7 (4.1.1 of Appendix B to Subpart B). Copies of the results of these surveys will be made available for inspection by interested persons as provided for later in this notice.

D. REPRESENTATIVE AVERAGE-USE CYCLE

Section 323(b) (2) (42 U.S.C. 6293(b) (2)) of the Act provides that test procedures for determining estimated annual operating costs of any covered product shall be calculated from measurements of energy use in a representative average-use cycle (as determined by the Administrator) and from representative average unit costs (as provided by the Administrator) needed to operate

such product during such cycle. FEA has determined that the representative average-use cycle for refrigerators and refrigerator-freezers and freezers is 365 cycles per year. This determination is based NBS' recommendation to FEA which, in turn, is based upon the steady state, continuous operation of the unit. NBS' recommendation is available for inspection as provided for later in this notice.

FEA intends to develop representative average unit costs of energy needed to calculate the annual operating cost for the representative average-use cycle and to provide this information to manufacturers and FTC on or before the effective date of test procedures for refrigerators and refrigerator-freezers and freezers.

E. NUMBER OF UNITS TO BE TESTED

Proposed § 430.23 (a) and (b) would provide for sampling of each basic model to be tested when testing of refrigerators and refrigerator-freezers and freezers is required by the Act or by program regulations of agencies responsible for administering the Act. This provision is intended both to provide an acceptable level of assurance that test results are applicable to any entire basic model for which testing is required and to minimize the testing burden on manufacturers. FEA believes that the sampling approach proposed today will enable consumers to make meaningful comparisons of information appearing on appliance labels, and also will meet the requirements of section 323(b) of the Act that test procedures not be unduly burdensome to conduct.

Under proposed § 430.23(a) and (b), a sample of sufficient size of each basic model would be tested to assure that, for each measure of energy consumption described in §§ 430.22(a) and 430.22(b), there is a 95 percent probability that the mean of the values of these measures of the sample is within 20 percent of the true mean of these measures of the basic model. The size of the sample of a particular basic model will depend upon the following factors:

(a) The level of confidence required (set at 95 percent in the proposed regulations);

(b) The maximum allowable difference between the sample mean and the mean of the basic model (expressed in the proposal as a percent of the true mean and set at 20 percent); and

(c) The relationship of the mean and standard deviation of the basic model.

The relationship of the mean and standard deviation of the basic model can be determined from data available to manufacturers. With this information and using standard statistical techniques, manufacturers can determine the number of units required to be tested. In any case, no fewer than three units of each basic model must be tested. Sample units would be selected randomly from the production stream.

Manufacturers and other interested persons are encouraged to comment on the sampling approach. Manufacturers are especially encouraged to submit any data which relates to the size of the sam-

ples which the provision would require to be tested. Comments alleging that the sampling provision is burdensome should include a full discussion of the facts upon which such allegation is based.

F. REQUEST FOR PARTICULAR COMMENTS

While FEA is soliciting comments on all aspects of the proposed test procedures for refrigerators and refrigerator-freezers and freezers, FEA is particularly interested in receiving comments on any other useful measures of energy consumption or data on typical usage of refrigerator and refrigerator-freezer or freezers in addition to those proposed today. In addition, FEA is interested in receiving comments with respect to the calculation of the energy factor and the consumer usage of the anti-sweat heater switch. Also, FEA is interested in receiving comments on any definitions described in previously proposed section 430.2, as these provisions might affect the testing of refrigerators and refrigerator-freezers and freezers. Comments with respect to refrigerators and refrigerator-freezers and freezers regarding provisions in previously proposed section 430.2 are timely until the close of the written record, as specified below. For the convenience of the reviewer, the proposed definitions of "refrigerator," "refrigerator-freezer," and "freezer" (41 FR 19979, May 14, 1976) are as follows:

Section 430.2 Definitions.

"Refrigerator" means a cabinet designed for the refrigerated storage of food at temperatures above 32° F, and having a source of refrigeration requiring an energy input. It may include a compartment for the freezing and storage of food at temperatures below 32° F but does not provide a separate low temperature compartment designed for the freezing of and the long term storage of food at temperatures below 8° F. It has only one exterior door, but it may have interior doors on compartments.

"Refrigerator-freezer" means a cabinet which consists of two or more compartments with at least one of the compartments designed for the refrigerated storage of foods at temperatures above 32° F, and with at least one of the compartments designed for the freezing of and the storage of frozen foods at temperatures of 8° F or below and may be capable of being adjusted by the user to a temperature of 0° F or below. The source of refrigeration requires energy input.

"Freezer" means a cabinet designed as a unit for the storage of food at temperatures of 0° F, having the ability to freeze food, and having a source of refrigeration requiring an energy input.

G. COMMENT PROCEDURE

1. WRITTEN COMMENT

Interested persons are invited to participate in this rulemaking by submitting data, views or arguments with respect to the proposed test procedures for refrigerators and refrigerator-freezers and freezers set forth in this notice to Executive Communications, Room 3309, Federal Energy Administration, Box MA, Washington, D.C. 20461.

Comments should be identified on the outside of the envelop and on documents

submitted to FEA with the designation "Refrigerators and Refrigerator-Freezers and Freezers-Proposed Test Procedures." Fifteen copies should be submitted. All comments received by June 15, 1977, before 4:30 p.m., e.s.t., and all other relevant information, will be considered by FEA before final action is taken on the proposed regulations.

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

2. PUBLIC HEARINGS

a. *Request procedure.* The time and place of the public hearing are indicated at the beginning of this preamble.

FEA invites any person, who has an interest in the proposed rulemaking issued today, or who is a representative of a group or class of persons that has an interest in today's proposed rulemaking, to make a written request for an opportunity to make an oral presentation. Such a request should be directed to the address indicated at the beginning of this preamble and must be received before 4:30 p.m., e.s.t., on May 31, 1977. Such a request may be hand delivered to such address, between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. A request should be labeled both on the document and on the envelope "Refrigerators and Refrigerator-Freezers and Freezers—Proposed Test Procedures."

The person making the request should briefly describe the interest concerned; if appropriate, state why she or he is a proper representative of a group or class of persons that has such an interest; and give a concise summary of the proposed oral presentation and a telephone number where she or he may be contacted through June 13, 1977.

FEA will notify, before 4:30 p.m., June 2, 1977, each person selected to appear at a hearing. Each person selected to be heard must submit 50 copies of her or his statement to the address and by the date given in the beginning of this preamble. In the event any person wishing to testify cannot meet the 50 copy requirement, alternative arrangements can be made with the Office of Regulations Management in advance of the hearing by so indicating in the letter requesting an oral presentation or by calling the Office of Regulations Management at 202-254-3345.

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

An FEA official will be designated to preside at the hearing. This will not be a judicial or evidentiary-type hearing. Questions may be asked only by those conducting the hearing, and there will

be no cross-examination of persons presenting statements. Any decision made by FEA with respect to the subject matter of the hearing will be based on all information available to FEA. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity if she or he so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

Any interested person may submit questions to be asked of any person making a statement at the hearing to Executive Communications, FEA, before 4:30 p.m., e.s.t., June 9, 1977. FEA will determine whether the question is relevant, and whether the time limitations permit it to be presented for answer.

Any person who makes an oral statement and who wishes to ask a question at the hearing may submit the question, in writing, to the presiding officer. The presiding officer, will determine whether the question is relevant, and whether the time limitations permit it to be presented for answer.

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

A transcript of the hearing will be made and the entire record of the hearing, including the transcript, will be retained by FEA and made available for inspection at the FEA Freedom of Information Office, Room 2107, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. Any person may purchase a copy of the transcript from the reporter. A copy of NBS's recommendations concerning test procedures for refrigerators and refrigerator-freezers and freezers along with related NBS/industry home energy usage survey results will also be made available for inspection at at FEA Freedom of Information Office.

H. ENVIRONMENTAL AND INFLATIONARY REVIEW

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

The National Environmental Policy Act of 1969 requires FEA to assess the environmental impacts of any proposal by the Agency for "major Federal actions significantly affecting the quality of the human environment." Since test procedures under the conservation program for appliances will be used only to standardize the measurement of energy usage and will not affect the quantity or distribution of energy usage, FEA has determined that the action of prescribing test procedures, by itself, will not result in any environmental impacts. On this basis, FEA has determined that, with

respect to prescribing test procedures under the conservation program for appliances, no environmental impact statement is required.

The proposal has been reviewed in accordance with Executive Order 11821 as amended by Executive Order 11949, and OMB Circular No. A-107 and has been determined not to be a major proposal requiring evaluation of its economic impact as provided for therein.

(Energy Policy and Conservation Act, Pub. L. 94-163, as amended by Pub. L. 94-385; Federal Energy Administration Act of 1974, Pub. L. 93-275, as amended by Pub. L. 94-385; E.O. 11790, 39 FR 23185.)

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

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

Eric J. Frai,
Acting General Counsel,
Federal Energy Administration.

1. Section 430.2 is amended by adding paragraphs (1) and (2) as part of the definition of the term "Basic model", to read as follows:

§ 430.2 Definitions.

"Basic model" means all units of a given type of covered product manufactured by one manufacturer and—

(1) With respect to refrigerators and refrigerator-freezers, having essentially identical functional, physical and electrical characteristics.

(2) With respect to freezers, having essentially identical functional, physical and electrical characteristics.

2. Section 430.22 is amended by adding paragraphs (a) and (b), to read as follows:

§ 430.22 Test procedures for measures of energy consumption.

(a) *Refrigerators and refrigerator-freezers.* (1) The estimated annual operating cost for refrigerators and refrigerator-freezers shall be the product of the following three factors: (i) The representative average-use cycle of 365 cycles per year, (ii) the average per-cycle energy consumption for the normal cycle in kilowatt-hours per cycle, determined according to 4.1 of Appendix A of this subpart, and (iii) the representative average unit cost in dollars per kilowatt-hour as provided by the Administrator, the resulting product then being rounded off to the nearest dollar per year.

(2) The estimated annual operating cost for any other specified cycle type for refrigerators and refrigerator-freezers shall be the product of the following three factors: (i) The representative average-use cycle of 365 cycles per year, (ii) the per-cycle energy consumption for the specified cycle type, determined according to 4.1 of Appendix A of this subpart, and (iii) the representative average unit cost in dollars per kilowatt-hour as provided by the Administrator, the re-

sulting product then being rounded off to the nearest dollar per year.

(3) The energy factor for refrigerators and refrigerator-freezers, expressed in cubic feet per kilowatt-hour per cycle, shall be—

(i) For refrigerators and refrigerator-freezers not having an anti-sweat heater switch, the quotient of (A) the adjusted total volume in cubic feet, determined according to 4.2 of Appendix A of this subpart, divided by (B) the total per-cycle energy consumption for the normal cycle in kilowatt-hours per cycle, determined according to 4.1 of Appendix A of this subpart, and

(ii) For refrigerators and refrigerator-freezers having an anti-sweat heater switch, the quotient of (A) the adjusted total volume in cubic feet, determined according to 4.2 of Appendix A of this subpart, divided by (B) one half the sum of the total per-cycle energy consumption for the normal cycle and the total per-cycle energy consumption for the cycle when the anti-sweat heater switch is set in the lowest energy consuming position, each in kilowatt-hours per cycle, determined according to 4.1 of Appendix A of this subpart.

(4) Other useful measures of energy consumption for refrigerators and refrigerator-freezers shall be those measures of energy consumption for refrigerators and refrigerator-freezers which the Administrator determines are likely to assist consumers in making purchasing decisions and which are derived from the application of Appendix A of this subpart.

(b) *Freezers.* (1) The estimated annual operating cost for freezers shall be the product of the following three factors: (i) The representative average-use cycle of 365 cycles per year, (ii) the average per-cycle energy consumption for the normal cycle in kilowatt-hours per cycle, determined according to 4.1 of Appendix B of this subpart, and (iii) the representative average unit cost in dollars per kilowatt-hour as provided by the Administrator, the resulting product then being rounded off to the nearest dollar per year.

(2) The estimated annual operating cost for any other specified cycle type for freezers shall be the product of the following three factors: (i) The representative average-use cycle of 365 cycles per year, (ii) the per-cycle energy consumption for the specified cycle type, determined according to 4.1 of Appendix B of this subpart, and (iii) the representative average unit cost in dollars per kilowatt-hour as provided by the Administrator, the resulting product then being rounded off to the nearest dollar per year.

(3) The energy factor for freezers, expressed in cubic feet per kilowatt-hours per cycle, shall be—

(i) For freezers not having an anti-sweat heater switch the quotient of (A) the net freezer refrigerated volume in cubic feet, determined according to 3.2 of Appendix B of this subpart, divided by (B) the total per-cycle energy consumption for the normal cycle in kilowatt-

hour per cycle, determined according to 4.1 Appendix B of this subpart, and

(ii) For freezers having an anti-sweat heater switch, the quotient of (A) the net freezer refrigerated volume in cubic feet, determined according to 3.2 of Appendix B of this subpart, divided by (B) one half the sum of the total per-cycle energy consumption for the normal cycle and total per-cycle energy consumption for the cycle when the anti-sweat switch is set in the lowest energy consuming position, each in kilowatt-hours per cycle, determined according to 4.1 of Appendix B of this subpart.

(4) Other useful measures of energy consumption for freezers shall be those measures of energy consumption for freezers which the Administrator determines are likely to assist consumers in making purchasing decisions and which are derived from the application of Appendix B of this subpart.

3. Section 430.23 is amended by adding paragraphs (a) and (b), to read as follows:

§ 430.23 Units to be tested.

(a) *Refrigerators and refrigerator-freezers.* (1) When testing of refrigerators and refrigerator-freezers is required for a measure or measures of energy consumption described in § 430.22(a) of this subpart, a sample of sufficient size of each basic model shall be tested to ensure that, for each such measure of energy consumption, there is a 95 percent probability that the mean of the sample is within 20 percent of the true mean of such measures of the basic model, except that no fewer than three units of each basic model shall be tested.

(2) The sample selected for paragraph (a) (1) of this section shall be a simple random sample drawn from the production stream of the basic model being tested.

(3) A basic model having dual voltage ratings shall be separately tested at each design voltage such that the requirements of paragraph (a) (1) of this section are satisfied at each rating.

(b) *Freezers.* (1) When testing of freezers is required for a measure or measures of energy consumption described in § 430.22(b), a sample of sufficient size of each basic model shall be tested to ensure that, for each such measure of energy consumption, there is a 95 percent probability that the mean of the sample is within 20 percent of the true mean of such measures of the basic model, except that no fewer than three units of each basic model shall be tested.

(2) The sample selected for paragraph (b) (1) of this section shall be a simple random sample drawn from the production stream of the basic model being tested.

(3) A basic model having dual voltage ratings shall be separately tested at each design voltage such that the requirements of paragraph (b) (1) of this section are satisfied at each rating.

4. Subpart B of Part 430 is amended to add an Appendix A, to read as follows:

APPENDIX A—UNIFORM TEST METHOD FOR MEASURING THE ENERGY CONSUMPTION OF REFRIGERATORS AND REFRIGERATOR-FREEZERS

1. DEFINITIONS

1.1 "Adjusted total refrigerated volume" means the sum of the net general refrigerated volume in cubic feet and the product of a correction factor times the net freezer refrigerated volume in cubic feet.

1.2 "Anti-sweat heater" means a device incorporated into the design of a refrigerator or refrigerator-freezer to prevent the accumulation of moisture on exterior surfaces of the cabinet under conditions of high ambient humidity.

1.3 "Cycle" means the operation of a refrigerator or refrigerator-freezer with the consumer activated controls preset such that the design refrigeration requirements of the refrigerator and refrigerator-freezer are performed.

1.4 "Cycle type" means the operation of a refrigerator or refrigerator-freezer by presetting the consumer activated controls to establish various operating characteristics.

1.5 "Normal cycle" means the cycle type in which the anti-sweat heater switch, when provided, is set in the highest energy consuming position.

2. TESTING CONDITIONS

2.1 *Operational conditions.* Install the refrigerator and refrigerator-freezer and maintain the operating conditions in accordance with the Association of Home Appliance Manufacturers (AHAM) Standard HRF-2-ECFT-1975. All references in HRF-2-ECFT-1975 to American National Standard (ANS) B38.1 shall be interpreted as references to ANS B38.1-1970.

3. TEST CYCLE AND MEASUREMENTS

3.1 *Test cycle.* Perform a test cycle type by establishing the testing conditions set forth in 2, testing the refrigerator and refrigerator-freezer in accordance with the AHAM Standard HRF-2-ECFT-1975.

3.2 *Test measurements.* Measure refrigerator and refrigerator-freezer net refrigerated volume, V_n , expressed in cubic feet and defined, in accordance with ANS B38.1-1970, section 3.2 as:

$$V_n = V_f + V_d$$

where:
 V_f = net freezer refrigerated volume.
 V_d = net general refrigerated volume.

3.3 *Reported values.* State the reported values of energy consumption as determined in accordance with AHAM Standard HRF-2-ECFT-1975, and the net freezer refrigerated volume, net general refrigerated volume, and the net refrigerated volume as determined in accordance with ANS B38.1-1970, Section 3.2.

4. CALCULATION OF DERIVED RESULTS FROM TEST MEASUREMENTS

4.1 *Per-cycle average energy consumption.* Calculate for the cycle type under test the per-cycle average energy consumption of refrigerators and refrigerator-freezers in accordance with AHAM Standard HRF-2-ECFT-1975.

4.2 ADJUSTED TOTAL VOLUME

4.2.1 *Refrigerators.* Calculate for refrigerators under test the adjusted total refrigerated volume, V_a , expressed in cubic feet and defined as:

$$V_a = (V_f \times C_f) + V_d$$

where:
 V_f and V_d are defined in 3.2, and
 C_f = correction factor of 1.44.

4.2.2 *Refrigerator-freezers.* Calculate for refrigerator-freezers under test the adjusted total refrigerated volume, V_a , expressed in cubic feet and defined as:

$$V_a = (V_f \times C_{rf}) + V_d$$

where:
 V_f and V_d are defined in 3.2, and
 C_{rf} = correction factor of 1.63.

5. Subpart B of Part 430 is amended to add an Appendix B, to read as follows:

APPENDIX B—UNIFORM TEST METHOD FOR MEASURING THE ENERGY CONSUMPTION OF FREEZERS

1. DEFINITIONS

1.1 "Anti-sweat heater" means a device incorporated into the design of a freezer to prevent the accumulation of moisture on exterior surfaces of the cabinet under conditions of high ambient humidity.

1.2 "Cycle" means the operation of a freezer with the consumer activated controls preset such that the design refrigeration requirements of the freezer are performed.

1.3 "Cycle type" means the operation of a freezer, presetting the consumer activated controls to establish various operating characteristics.

1.4 "Normal cycle" means the cycle type in which the anti-sweat heater switch, when provided, is set in the highest energy consuming position.

2. TESTING CONDITIONS

2.1 *Operational conditions.* Install the freezer and maintain the operating conditions in accordance with the Association of Home Appliance Manufacturers (AHAM) Standard HRF-2-ECFT-1975. All references in HRF-2-ECFT-1975 to American National Standard (ANS) B38.1 shall be interpreted as references to ANS B38.1-1970.

3. TEST CYCLE AND MEASUREMENTS

3.1 *Test cycle.* Perform a test cycle type by establishing the testing conditions set forth in 2, testing the freezer in accordance with the AHAM Standard HRF-2-ECFT-1975.

3.2 *Test measurements.* Measure the net freezer refrigerated volume in accordance with the ANS B38.1-1970, Section 4.2.

3.3 *Reported values.* State the reported values of energy consumption, E_e , as determined in accordance with AHAM Standard HRF-2-ECFT-1975 and the net freezer refrigerated volume as determined in accordance with ANS B38.1-1970, Section 4.2.

4. CALCULATION OF DERIVED RESULTS FROM TEST MEASUREMENTS

4.1 *Per-cycle average energy consumption.*
4.1.1 *Chest freezers.* Calculate for chest freezers under test the per-cycle average energy consumption, E_a , expressed in kilowatt-hours (kWh) and defined as:

$$E_a = E_e \times C_e$$

where:
 E_e is defined in 3.3, and
 C_e = correction factor of .7.

4.1.2 *Upright freezers.* Calculate for upright freezers under test the per-cycle average energy consumption, E_a , expressed in kWh and defined as:

$$E_a = E_e \times C_u$$

where:
 E_e is defined in 3.3, and
 C_u = correction factor of .85.

[FR Doc. 77-11984 Filed 4-21-77; 5:00 pm]

[10 CFR Part 430]

ENERGY CONSERVATION PROGRAM FOR APPLIANCES

Proposed Rulemaking and Public Hearing Regarding Test Procedures for Clothes Dryers

AGENCY: Federal Energy Administration.

ACTION: Proposed rule.

SUMMARY: The Federal Energy Administration (FEA) proposes to amend Chapter II of Title 10, Code of Federal Regulations, in order to prescribe test procedures for clothes dryers, pursuant to section 323, 42 U.S.C. 6293, of the Energy Policy and Conservation Act (Act) (Pub. L. 94-163). The Act requires that standard methods for testing clothes dryers be prescribed as part of the energy conservation program for appliances. The intended effect of this proposal is to implement the Act's requirements for the solicitation of public comments before the test procedures are prescribed.

DATES: Comments by June 15, 1977, 4:30 p.m.; requests to speak by May 31, 1977, 4:30 p.m.; statements by June 10, 1977, 4:30 p.m.; hearing to be held on June 13, 1977 at 9:30 a.m.

ADDRESS: Comments and requests to speak at the hearing to: Executive Communications, Room 3309, Federal Energy Administration, Box LX, Washington, D.C. 20461; statements to Regulations Management, Federal Energy Administration, Room 2214, 2000 M Street NW., Washington, D.C. 20461.

Hearing held at: Federal Energy Administration, 2000 M Street NW., Room 2105, Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT:

James A. Smith, Room 307, Old Post Office Building, 12th Street and Pennsylvania Avenue NW., Washington, D.C. 20461, 202-566-4635.

SUPPLEMENTARY INFORMATION:

A. BACKGROUND

Development of test procedures is one discrete part of the energy conservation program for appliances. Even when promulgated, final test procedures will not of themselves require testing to be conducted. They will merely establish standard methods for testing when testing is otherwise required by the Act itself or by regulations implementing other parts of the program. For example, the Federal Trade Commission (FTC), in exercising its appliance energy efficiency labelling authority regarding a particular appliance type, may well require the application of substantially less than all of the final test procedures applicable to that appliance.

By notice issued May 10, 1976 (41 FR 19977, May 14, 1976), FEA proposed to establish Part 430, entitled "Energy Conservation Program for Appliances," in Chapter II of Title 10 of the Code of Federal Regulations. That notice proposed a Subpart A to Part 430, containing general provisions, and a Subpart C, containing proposed energy efficiency improvement targets. Proposed Subparts A and C have not yet been finalized. A further proposal of Subpart C will be necessary in order to meet the requirements of section 325(a) (1) of the Act as amended by section 161 of the Energy Conservation and Production Act (Pub. L. 94-385).

Subpart A as previously proposed (41 FR 19977, May 14, 1976; 41 FR 1542, March 27, 1977), contained definitions in proposed § 430.2, some of which are applicable to the test procedures for clothes dryers. In addition, FEA is proposing to add to the definition in § 430.2 of "Basic model", a subparagraph (4) applying specifically to clothes dryers.

By notice issued July 22, 1976 (41 FR 31237, July 27, 1976), FEA proposed an amendment to proposed Part 430 to add a Subpart B which would contain the appliance test procedures required to be prescribed by section 323 of the Act. The notice issued July 22 described the requirements of section 323 and set forth proposed test procedures for room air conditioners. A further notice issued March 24, 1977 (42 FR 16811, March 30, 1977) solicited comments with respect to a clarification of the provision concerning the number of units to be tested. By notice issued March 17, 1977 (42 FR 15423, March 22, 1977) FEA proposed an amendment setting forth proposed test procedures for dishwashers. Test procedures for several other products are in

the process of being proposed at this time.

Section 323(a)(2) of the Act requires FEA to direct the National Bureau of Standards Act (NBS) to develop for 13 types of covered products test procedures for the determination of the estimated annual operating costs and at least one other useful measure of energy consumption which FEA determines is likely to assist consumers in making purchasing decisions. Pursuant to the Act, FEA directed NBS to develop test procedures for FEA's use in prescribing test procedures under the Act. As part of this undertaking, NBS was required to evaluate existing test procedures for measuring energy consumption of clothes dryers.

NBS has transmitted to FEA a test procedure review document which reviewed existing test procedures for measuring energy consumption for clothes dryers and recommended test procedures. Copies of this review document will be made available for inspection by interested persons as provided for later in this notice. A recommended clothes dryer test procedure was published in the FEDERAL REGISTER on December 12, 1975, under the Department of Commerce Voluntary Labelling Program. The proposed procedure was based on industry standard HLD-2EC, which is the Association of Home Appliance Manufacturer's (AHAM) standard for calculating the energy consumption of clothes dryers. The test procedures recommended to FEA by NBS and proposed today incorporate the approach contained in the AHAM Standard HLD-2EC for measuring energy consumption and, in addition, include procedures for determining the estimated annual operating costs and energy efficiency for clothes dryers.

B. MEASURES OF ENERGY CONSUMPTION

The Act requires FEA to prescribe test procedures for the determination of estimated annual operating costs and at least one other measure of energy consumption which the Administrator determines is likely to assist consumers in making purchasing decisions. Since the annual operating cost of clothes dryers differs significantly depending on whether they are fueled by electricity or natural gas, FEA is proposing to establish two alternate values for the estimated annual operating cost for clothes dryers: One assuming that electricity is used as a fuel and the other assuming natural gas is used as a fuel. In each case, the estimated annual operating cost is the product of the representative average-use cycle times the cost of energy used for the cycle.

An additional proposed measure that is likely to assist consumers in making purchasing decisions is the energy factor, which is defined as the quotient of a load of clothes divided by the energy consumption per cycle. Among other possible applications, the energy factor may be used by FEA to determine the efficiency of clothes dryers for the purposes of the

efficiency improvement program described by section 325 of the Act.

FEA recognizes that there may be additional useful measures of energy consumption for clothes dryers other than the measures described above. Accordingly, today's proposal, in proposed § 430.22(d)(4), provides for other useful measures which the Administrator determines are likely to assist consumers in making purchasing decisions. These measures, however, must be derived from the application of the uniform test method proposed today as Appendix D to Subpart B. Clothes dryer manufacturers would, if required, only have to perform various computations while still applying only the same test method contained in Appendix D. For example, if the Administrator determined that annual energy consumption for clothes dryers would aid consumers in making purchasing decisions, this energy consumption could be derived by applying the uniform test method and dividing the the annual operating cost by the cost of energy to arrive at an annual energy consumption figure.

C. LABORATORY METHODOLOGY

Proposed Appendix D to Subpart B provides for a controlled laboratory environment for measuring energy consumption of clothes dryers for a test cycle that correlates with typical consumer usage. One aspect of this test procedure is the selection of an appropriate load. A field survey conducted by Proctor and Gamble on washer loads concluded that the average washer load was 5.8 pounds (dry weight). Based on this report and other available information, NBS recommended a 7-pound load for the purposes of the proposed test procedures for clothes dryers. The 7-pound load also conforms with the test load utilized in AHAM Standard HLD-2EC. The AHAM test procedure also provides for the testing of a 3-pound load in compact dryers. Both the 7-pound load for standard dryers and 3-pound load for compact dryers have been included in the proposed test procedures.

Another consideration is the material used as the test load. At a public hearing held by FEA in Washington, D.C., on June 2, 1976, concerning proposed appliance energy efficiency targets for clothes washers, General Electric Company estimated that in an average washer load, the ratio of natural fiber to synthetic fiber was approximately 50 percent. The proposed test procedures incorporate this figure by providing for the use of test cloth made of a blend of equal portions of synthetic and cotton material.

The load itself consists of swatches of test material cut and hemmed into specified sizes. The use of a standard test load serves to eliminate test to test variability caused by garment seams, garment twisting, and fabric textures and thus provides good repeatability in the test program.

The energy consumption of a dryer is determined by loading a dryer with a test load containing a known quantity of

water and measuring the energy necessary to remove a specified amount of this water. The proposed test procedure would use a test load to which a quantity of water equal to 70 percent of the dry weight of the test load has been added. The test load is dried until the moisture content of the test load is reduced to between 2.5 and 5.0 percent of the dry weight of the test load and the energy consumed is then recorded. NBS laboratory tests have shown that an acceptable level of dryness is achieved when the moisture content of the test load is 4 percent of the dry weight of the test load. This corresponds to the removal of a quantity of water equal to 66 percent of the dry weight of the test load. The proposed regulations should specify this 66 percent value as the reference point for the energy used by a dryer during a test. Since under actual test conditions a quantity of water slightly smaller or larger than 66 percent of the dry weight of the test load will be removed, actual energy consumption measurements must be adjusted to reflect the energy which would have been consumed if the 66 percent value had been achieved. This adjustment is made by multiplying the energy consumed during the test by the ratio of the desired level of moisture removal (66 percent) to the actual amount moisture removed during the test.

Ideally, laboratory test results for energy consumption should be quite close to the actual energy consumed per cycle in the field. A survey conducted by Oklahoma Gas and Electric Company of 64 homes demonstrated that in drying 33,000 loads of clothes, an average of 2.5 kilowatt hours (Kwh's) of electricity was used per load. A limited number of NBS tests using the proposed test procedures has shown that the proposed test load requires 2.1 Kwh's per load or approximately 20 percent less than that used under actual home use condition. In order to assure that the laboratory test procedures produce results representative of actual use, the test results are multiplied by a factor of 1.2.

D. REPRESENTATIVE AVERAGE-USE CYCLE

Section 323(b)(2) (42 U.S.C. 6293 (b)(2) of the Act provides that test procedures for determining estimated annual operating costs of any covered product shall be calculated from measurements of energy use in a representative average-use cycle (as determined by the Administrator) and from representative average unit costs (as provided by the Administrator) needed to operate such product during such cycle.

FEA has determined that the representative average use cycle for clothes dryers is 416 cycles per year. This determination is based upon NBS' recommendation to FEA, which in turn, is based upon a Proctor and Gamble field study reporting 7.8 washer loads per week. NBS' recommendation and the Proctor and Gamble field study are available for inspection as provided for later in this notice.

FEA intends to develop representative average unit costs of energy needed to calculate the annual operating cost for the representative average-use cycle and to provide this information to manufacturers and FTC on or before the effective date of test procedures for clothes dryers.

E. NUMBER OF UNITS TO BE TESTED

Proposed § 430.23(d) would provide for sampling of each basic model to be tested when testing of clothes dryers is required by the Act or by program regulations of agencies responsible for administering the Act. This provision is intended both to provide an acceptable level of assurance that test results are applicable to any entire basic model for which testing is required and to minimize the testing burden on manufacturers. FEA believes that the sampling approach proposed today will enable consumers to make meaningful comparisons of information appearing on appliance labels, and also will meet the requirements of section 323(b) of the Act that test procedures not be unduly burdensome to conduct.

Under proposed § 430.23(d), a sample of sufficient size of each basic model would be tested to assure that, for each measure of energy consumption described in § 430.22(d), there is a 95 percent probability that the mean of the values of these measures of the sample is within 5 percent of the true mean of these measures of the basic model. The size of the sample of a particular basic model will depend upon the following factors:

(a) The level of confidence required (set at 95 percent in the proposed regulations);

(b) The maximum allowable difference between the sample mean and the mean of the basic model (expressed in the proposal as a percent of the true mean and set at 5 percent); and

(c) The relationship of the mean and standard deviation of the basic model.

The relationship of the mean and standard deviation of the basic model can be determined from data available to manufacturers. With this information and using standard statistical techniques, manufacturers can determine the number of units required to be tested. In any case, no fewer than three units of each basic model must be tested. Sample units would be selected randomly from the production stream.

Manufacturers and other interested persons are encouraged to comment on the sampling approach. Manufacturers are especially encouraged to submit any data which relates to the size of the samples which the provision would require to be tested. Comments alleging that the sampling provision is burdensome should include a full discussion of the facts upon which such allegation is based.

F. REQUEST FOR PARTICULAR COMMENTS

While FEA is soliciting comments on all aspects of the proposed test procedures for clothes dryers FEA is particularly interested in receiving comments on

any other useful measures of energy consumption or data on typical consumer usage of clothes dryers in addition to those proposed today.

The proposed test procedure measures energy consumption and provides data that can be used for comparison purposes, but the actual result of the drying performance and energy consumption utilizing the dryness controls is not measured. Comments are requested addressing the potential modification of the proposed test procedure to include measuring the effect of user-timed dryness controls or automatically-timed dryness controls on energy consumption.

Comments are also requested concerning the size of the clothes dryer test load. Clothes dryer laboratory test data, consumer usage data, and related comments are desired.

In addition, FEA is interested in receiving comments on definitions in previously proposed § 430.2, as these provisions might affect the testing of clothes dryers. Comments with respect to clothes dryers regarding provisions in previously proposed § 430.2 are timely until the close of the written record.

For the convenience of the reviewer, the proposed definitions of "electric clothes dryer" and "gas clothes dryer" (41 FR 19979, May 14, 1976) are as follows:

Section 430.2 Definitions.

"Electric clothes dryer" means a cabinet-like appliance designed to dry fabrics in a tumble type drum with forced air circulation. The heat source is electricity and the drum and blowers are driven by an electric motor(s).

"Gas clothes dryer" means a cabinet-like appliance designed to dry fabrics in a tumble type drum with forced air circulation. The heat source is gas and the drum and blowers are driven by an electric motor(s).

G. COMMENT PROCEDURES

1. WRITTEN COMMENTS

Interested persons are invited to participate in this rulemaking by submitting data, views or arguments with respect to the proposed test procedures for clothes dryers set forth in this notice to Executive Communications, Room 3309, Federal Energy Administration, Box LX, Washington, D.C. 20461.

Comments should be identified on the outside of the envelope and on documents submitted to FEA with the designation "Clothes Dryers—Proposed Test Procedures." Fifteen copies should be submitted. All comments received by June 15, 1977, before 4:30 p.m., e.s.t., and all other relevant information, will be considered by FEA before final action is taken on the proposed regulations.

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

2. PUBLIC HEARINGS

a. *Request procedure.* The time and place of the public hearing are indicated at the beginning of this preamble.

FEA invites any person who has an interest in the proposed rulemaking issued today, or who is a representative of a group or class of persons that has an interest in today's proposed rulemaking, to make a written request for an opportunity to make an oral presentation. Such a request should be directed to the address indicated at the beginning of this preamble and must be received before 4:30 p.m., e.s.t., on May 31, 1977. Such a request may be hand delivered to such address, between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. A request should be labeled both on the document and on the envelope "Clothes Dryers—Proposed Test Procedures."

The person making the request should briefly describe the interest concerned; if appropriate, state why she or he is a proper representative of a group or class of persons that has such an interest; and give a concise summary of the proposed oral presentation and a telephone number where she or he may be contacted through June 12, 1977.

FEA will notify, before 4:30 p.m., June 2, 1977, each person selected to appear at a hearing. Each person selected to be heard must submit 50 copies of her or his statement to the address and by the date given in the beginning of this preamble. In the event any person wishing to testify cannot meet the 50 copy requirement, alternative arrangements can be made with the Office of Regulations Management in advance of the hearing by so indicating in the letter requesting an oral presentation or by calling the Office of Regulations Management at (202) 254-3345.

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

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

Any interested person may submit questions to be asked of any person making a statement at the hearing to Executive Communications, FEA, before 4:30 p.m., e.s.t., June 9, 1977. FEA will determine whether the question is relevant, and whether the time limitations permit it to be presented for answer.

Any person who makes an oral statement and who wishes to ask a question at the hearing may submit the question, in writing, to the presiding officer. The presiding officer, will determine whether the question is relevant, and whether the time limitations permit it to be presented for answer.

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

A transcript of the hearing will be made and the entire record of the hearing, including the transcript, will be retained by FEA and made available for inspection at the FEA Freedom of Information Office, Room 2107, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. Any person may purchase a copy of the transcript from the reporter. A copy of NBS' recommendations concerning test procedures for clothes dryers along with related NBS field study results and a Proctor and Gamble field study will also be made available for inspection at the FEA Freedom of Information Office.

H. ENVIRONMENTAL AND INFLATIONARY REVIEW

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

The National Environmental Policy Act of 1969 requires FEA to assess the environmental impacts of any proposal by the Agency for "major Federal actions significantly affecting the quality of the human environment." Since test procedures under the conservation program for appliances will be used only to standardize the measurement of energy usage and will not affect the quantity or distribution of energy usage, FEA has determined that the action of prescribing test procedures, by itself, will not result in any environmental impacts. On this basis, FEA has determined that, with respect to prescribing test procedures under the conservation program for appliances, no environmental impact statement is required.

The proposal has been reviewed in accordance with Executive Order 11821 as amended by Executive Order 11949, and OMB Circular No. A-107 and has been determined not to be a major proposal requiring evaluation of its economic impact as provided for therein.

(Energy Policy and Conservation Act, Pub. L. 94-163, as amended by Pub. L. 94-385; Federal Energy Administration Act of 1974, Pub. L. 93-275, as amended by Pub. L. 94-385; E.O. 11790, 39 FR 23185.)

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

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

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

1. Section 430.2 is amended by adding paragraph (4) as part of the definition of "Basic model", to read as follows:

§ 430.2 Definitions.

"Basic model" means all units of a given type of covered product manufactured by one manufacturer and—

(4) With respect to clothes dryers, having essentially identical functional, physical and electrical characteristics.

2. Section 430.22 is amended by adding a paragraph (d), to read as follows:

§ 430.22 Test procedures for measures of energy consumption.

(d) *Clothes dryers.* (1) The estimated annual operating cost for clothes dryers shall be—

(i) For an electric clothes dryer, the product of the following three factors: (A) A representative average-use cycle of 416 cycles per year, (B) the total per-cycle energy consumption in kilowatt-hours per cycle, determined according to 4.1 of Appendix D of this subpart, and (C) the representative average unit cost in dollars per kilowatt-hour as provided by the Administrator, the resulting product then being rounded off to the nearest dollar per year, and

(ii) For a gas clothes dryer, the product of the representative average-use cycle of 416 cycles per year times the sum of (A) the product of the gas dryer electric per-cycle energy consumption in kilowatt-hours per cycle, determined according to 4.2 of Appendix D of this subpart, times the representative average unit cost in dollars per kilowatt-hour as provided by the Administrator plus (B) the product of the total gas dryer energy consumption per cycle, in Btu's per cycle, determined according to 4.5 of Appendix D of this subpart, times the representative average unit cost in dollars per Btu as provided by the Administrator, the resulting product then being rounded off to the nearest dollar per year.

(2) The energy factor, expressed in pounds per kilowatt-hour, for clothes dryers shall be the quotient of one load of clothes, as defined by 2.6 of Appendix D of this subpart, divided by the clothes dryer energy consumption per cycle, as determined according to 4.1 for electric clothes dryers and 4.6 for gas clothes dryers of Appendix D of this subpart, the resulting quotient then being rounded off to the nearest .01.

(3) Other useful measures of energy consumption for clothes dryers shall be those measures of energy consumption

for clothes dryers which the Administrator determines are likely to assist consumers in making purchasing decisions and which are derived from the application of Appendix D of this subpart.

3. Section 430.23 is amended by adding a paragraph (d), to read as follows:

§ 430.23 Units to be tested.

(d) *Clothes dryers.* (1) When testing of clothes dryers is required for a measure or measures of energy consumption described in § 430.22(d), a sample of sufficient size of each basic model shall be tested to ensure that, for each such measure of energy consumption, there is a 95 percent probability that the mean of the sample is within five percent of the true mean of such measures of the basic model, except that no fewer than three units of each basic model shall be tested.

(2) The sample selected for paragraph (d)(1) of this section shall be a simple random sample drawn from the production stream of the basic model being tested.

(3) A basic model having dual voltage ratings shall be separately tested at each design voltage such that the requirements of paragraph (d)(1) of this section are satisfied at each rating.

4. Subpart B of Part 430 is amended to add an Appendix D, to read as follows:

APPENDIX D—UNIFORM TEST METHOD FOR MEASURING THE ENERGY CONSUMPTION OF CLOTHES DRYERS

1. DEFINITIONS

1.1 "AHAM" means the Association of Home Appliance Manufacturers.

1.2 "Bone Dry" weight refers to test cloth which has been dried until the weight change between measurements is less than 1 percent.

1.3 "Compact" refers to a clothes dryer with a drum capacity of less than 4.4 cubic feet.

1.4 "Cool Down" refers to the portion of the clothes drying cycle when the added gas or electric heat is terminated and the clothes continue to tumble and dry within the drum.

1.5 "Cycle" means a sequence of operations of a clothes dryer which performs a clothes drying operation, and may include variations or combinations of the functions of heating, tumbling and drying.

1.6 "Drum Capacity" means the volume of the drying drum in cubic feet.

1.7 "HLD-1" refers to the test standard promulgated by AHAM and titled "AHAM Performance Evaluation Procedure for Household Tumble Type Clothes Dryers", June, 1974 and designated as HLD-1.

1.8 "HLD-2EC" refers to the test standard promulgated by AHAM and titled "Test Method for Measuring Energy Consumption of Household Tumble Type Clothes Dryers", December, 1975, and designated as HLD-2EC.

1.9 "Standard Size" refers to a clothes dryer with a drum capacity of at least 4.4 cubic feet.

1.10 "Moisture content" refers to the amount of water contained by a test load expressed as a percent of the bone-dry weight of the test load.

2. TESTING CONDITIONS

2.1 *Installation.* Install the clothes dryer in accordance with manufacturer's instructions. The dryer exhaust shall be restricted by adding the AHAM exhaust simulator described in 3.3.5 of HLD-1. All external joints should be taped to avoid air leakage.

2.2 *Ambient temperature and humidity.* Maintain the room ambient air temperature between 72°F and 78°F and the room relative humidity at 45 percent to 55 percent relative humidity.

2.3 *Energy supply.*
2.3.1 *Electrical supply.* Maintain the electrical supply to the clothes dryer within 1 percent of the nameplate voltage.

2.3.2 *Gas supply.*

2.3.2.1 *Natural Gas.* Maintain the gas supply to the clothes dryer with a normal inlet test pressure immediately ahead of all controls at 7 to 10 inches of the water column. The regulator outlet pressure at normal test pressure shall be approximately that recommended by the manufacturer. Adjust the burner to its Btu rating at normal inlet test pressure. Any adjustment shall be within ± 3 percent of the hourly Btu rating specified by the manufacturer. The natural gas supplied should have a heating value of approximately 1,025 Btu's per standard cubic foot. Determine the actual heating value, in Btu's per standard cubic foot, for the natural gas to be used in the test, with an error no greater than 1 percent, and use that value for all calculations included herein.

2.3.2.2 *Propane gas.* Maintain the gas supply to the clothes dryer with a normal inlet test pressure immediately ahead of all controls at 11 to 13 inches of the water column. The regulator outlet pressure at normal test pressure shall be approximately that recommended by the manufacturer. Adjust the burner to its Btu rating at normal inlet test pressure. Any adjustment shall be within ± 2 percent of the hourly Btu rating specified by the manufacturer. The propane supplied should have a heating value of approximately 2,500 Btu's per standard cubic foot. Determine the actual heating value, in Btu's per standard cubic foot, for the natural gas to be used in the test, with an error no greater than 1 percent, and use that value for all calculations included herein.

2.3.3 *Energy flow instrumentation.* Install one or more energy flow instruments which measure, as appropriate, and with an error no greater than 1 percent, the quantity of electrical energy, natural gas flow or propane flow.

2.4 *Lint trap.* Clean the lint trap thoroughly before each test run.

2.5 *Test cloths.*
2.5.1 *Energy test cloth.* The energy test cloth shall consist of the following:

(a) Pure finished bleached cloth, made with a momele or granite weave, which is 50 percent cotton and 50 percent polyester and weighs 5.75 ounces per square yard and has 65 ends on the warp and 57 picks on the fill.

(b) The cloth shall be hemmed 22" x 34" before washing and the maximum shrinkage after 5 washes shall be not more than 4 percent on the length and width.

2.5.2 *Energy stuffer cloths.* The energy stuffer cloths shall be made from energy test cloth material and consist of hemmed 10" x 10" cloths made from 12" x 12" material.

2.6 *Test loads.*

2.6.1 *Compact dryer load.* Prepare a 3 pound (± 1 percent) bone-dry load of energy test cloths. Adjustments to the 3 pound weight can be made with energy stuffer cloths. Dampen the load by agitating in 100°F ($\pm 5^\circ$ F) water of 0 to 17 parts per million hardness for approximately 2 minutes to saturate the fabric, and then extract water by spinning the load to a moisture content of 70 percent (± 5 percent) of the bone dry weight of the test load.

2.6.2 *Standard size dryer load.* Prepare a 7 pound ($\pm 1\%$) bone dry load of energy test cloths. Adjustments to the 7 pound weight can be made with energy stuffer cloths. Dampen the load by agitating in 100°F ($\pm 5^\circ$ F) water of 0 to 17 parts per million hardness for approximately 2 minutes to saturate the fabric, and then extract water by spinning the load to a moisture content of 70% ($\pm 5\%$) of the bone dry weight of the test load.

2.6.3 *Method of loading.* Load energy test cloth by grasping them in the center, shaking them to hang loosely and drop them in the dryer at random.

3. TEST PROCEDURES AND MEASUREMENTS

3.1 *Drum capacity.* Measure the drum capacity by sealing all openings in the drum except the loading port with a plastic bag, making sure that all corners and depressions are filled. Then, with the dryer laid on its back on a platform scale, record the weight of the empty dryer and fill the drum with water (measure the water temperature) to a level determined by the intersection of the door plane and the loading port. Measure the weight of the dryer with added water and determine the mass of the water in pounds within 1 percent accuracy. The drum capacity is calculated as follows:

$$C = \frac{w}{d}$$

C=capacity in cubic feet
w=mass of water in pounds
d=density of water at the measured temperature in pounds per cubic feet.

3.2 *Dryer loading.* Load the dryer as specified in 2.6.

3.3 *Test cycle.*

3.3.1 *Dryers controlled by timers.* For dryers controlled by timers, operate at maximum time and maximum temperature setting and dry the load to 2.5 percent to 5 percent moisture content, but do not permit dryer to advance into cool down.

3.3.2 *Dryers equipped with automatic dry controls without timer.* For dryers equipped with automatic dry controls without timer, operate at maximum temperature setting and dry the load to 2.5 percent to 5 percent moisture content, but do not permit dryer to advance into cool down.

3.3.3 *Dryers without timer or automatic dry control.* For dryers without timer or automatic dry control, operate

at maximum temperature and dry the load to 2.5 percent to 5 percent moisture content, but do not permit dryer to advance into cool down.

3.4 *Data recording.* Record for each test cycle:

3.4.1 Test load bone dry weight within ± 1 percent described in 2.6.

3.4.2 Moisture content of the wet test load as prepared in 2.6 within ± 1 percent.

3.4.3 Moisture content of the dry test load within ± 1 percent after the test described in 3.3.

3.4.4 Test room conditions, temperature and relative humidity described in 2.2.

3.4.5 For electric dryers—the total kilowatt-hours of energy consumed during test described in 3.3.

3.4.6 For gas dryers:

3.4.6.1 Total kilowatt-hours of electric energy consumed during test described in 3.3.

3.4.6.2 Cubic feet of gas consumed during test described in 3.3.

3.4.6.3 On gas dryers using a standing pilot, cubic feet of gas consumed by the gas pilot in 1 hour.

3.4.6.4 As the heat content of natural gas, approximately 1,025 Btu/cubic foot, varies depending on the source, calculate the corrected gas heat value, GEF, to standard pressure and temperature conditions in accordance with U.S. Bureau of Standards, Circular C417, 1938. A sample calculation is illustrated in Appendix E of HLD-1.

3.5 *Reported values.* State the reported values of the data described in 3.4.

4. CALCULATION OF DERIVED RESULTS FROM TEST MEASUREMENTS

4.1 *Total per-cycle electric dryer energy consumption.* Calculate the energy consumption per cycle, E_{ec} , expressed in kilowatt-hours per cycle and defined as:

$$E_{ec} = \frac{66}{(W_w - W_d) \times 100} \times E_i \times FU$$

E_i —the energy recorded in 3.4.5.
66—an experimentally established value for the percent water removed from a laboratory test cycle.
 FU —Field use factor—1.2
 W_w —the moisture content of the wet test load recorded in 3.4.2.
 W_d —the moisture content of the dried test load as recorded in 3.4.3.

4.2 *Per-cycle gas dryer electrical energy consumption.* Calculate the gas dryer electrical energy consumption per cycle, E_{eg} , expressed in kilowatt-hours per cycle and defined as:

$$E_{eg} = \frac{66}{(W_w - W_d) \times 100} \times E_{ie} \times FU$$

E_{ie} —the energy recorded in 3.4.6.1.
 FU , 66, W_w , W_d as defined in 4.1.

4.3 *Per-cycle gas dryer gas energy consumption.* Calculate the gas dryer gas energy consumption per cycle, E_{gg} , expressed in Btu's per cycle and defined as:

$$E_{gg} = \frac{66}{(W_w - W_d) \times 100} \times E_{ig} \times FU \times GEF$$

E_{ig} —the energy recorded in 3.4.6.2.
 GEF —corrected gas heat value (Btu/cubic feet) as defined in 3.4.6.4.
 FU , 66, W_w , W_d as defined in 4.1.

4.4 *Per-cycle gas dryer standing pilot gas energy consumption.* Calculate the gas dryer standing pilot gas energy consumption per cycle, E_{gp} , expressed in Btu's per cycle and defined as:

$$E_{gp} = E_{ip} \times \frac{8,760}{416} \times GEF$$

E_{ip} —the energy recorded in 3.4.6.3.
8,760=number of hours in a year.
416=average number of clothes dryer cycles in a year.
 GEF as defined in 4.3.

4.5 *Total per-cycle gas dryer gas energy consumption expressed in Btu's.* Calculate the total gas dryer energy consumption per cycle, E_g , expressed in Btu's per cycle and defined as:

$$E_g = E_{gg} + E_{gp}$$

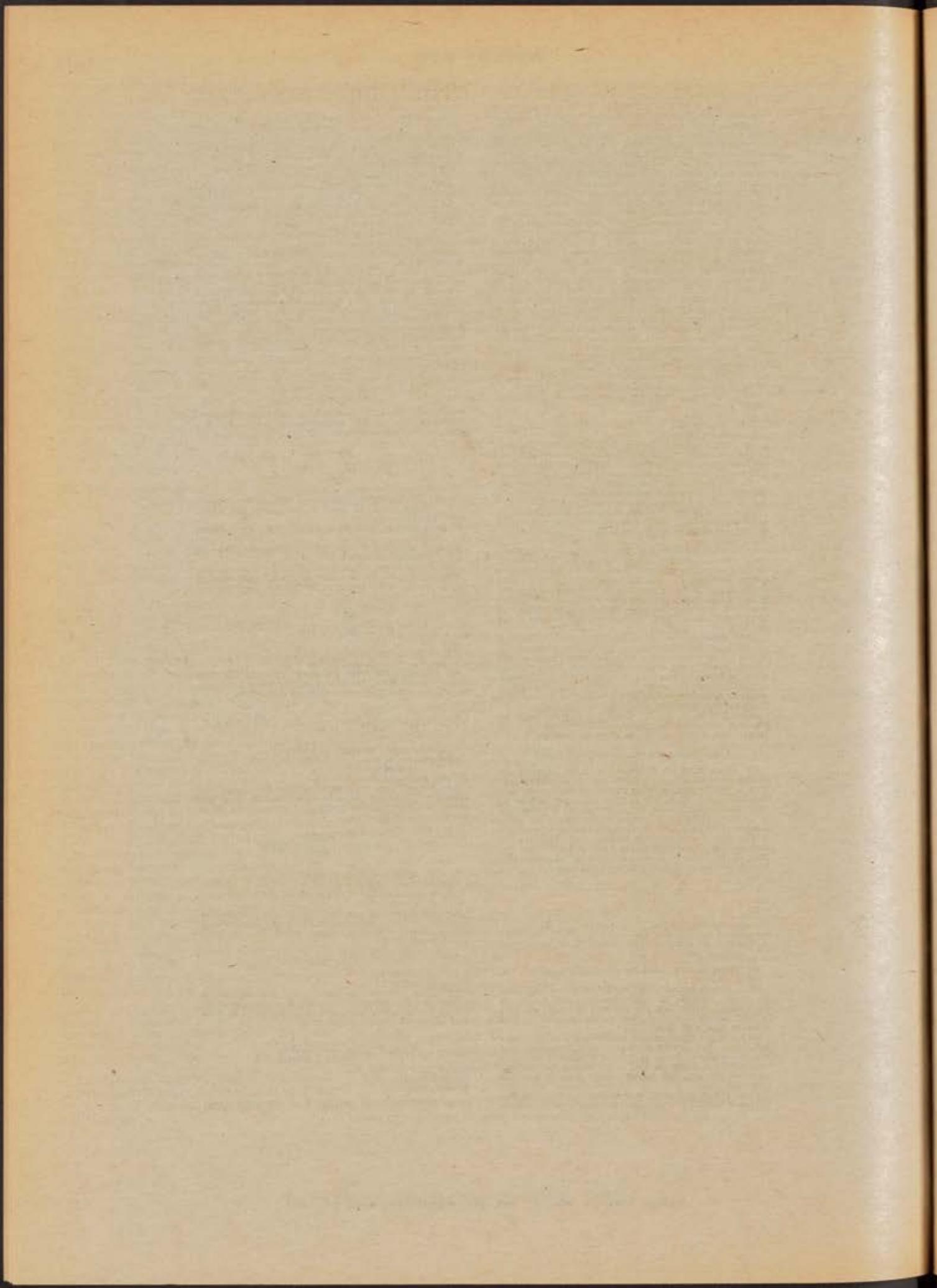
E_{eg} as defined in 4.2.
 E_{gp} as defined in 4.4.

4.6 *Total per-cycle gas dryer energy consumption expressed in kilowatt-hours.* Calculate the total gas dryer energy consumption per cycle, E_{eg} , expressed in kilowatt-hours per cycle and defined as:

$$E_{eg} = E_{ec} + \frac{E_g}{3,412 \text{ Btu/kWh}}$$

E_{ec} as defined in 4.1.
 E_g as defined in 4.5.

[FR Doc.77-11985 Filed 4-21-77;5:00 pm]



Register
of
Federal

WEDNESDAY, APRIL 27, 1977

PART III



**FEDERAL
ELECTION
COMMISSION**

■

**ADVISORY OPINION
REQUESTS**

WORKSHEET, APRIL 20, 1971
PAGE 5

FEDERAL
ELECTION
COMMISSION

ADVISORY OPINION
REQUESTS

FEDERAL ELECTION COMMISSION

[Notice 1977-26, AOR 1977-18 and
AOR 1977-19]

ADVISORY OPINION REQUESTS

Pursuant to 2 U.S.C. 437f(c) and the procedures reflected in Part 112 of the Commission's regulations, published on August 25, 1976 (41 FR 35954), Advisory Opinion Requests 1977-18 and 1977-19 have been made public at the Commission. Copies of AOR 1977-18 were made available on April 20, 1977, and copies of AOR 1977-19 were made available on April 21, 1977. These copies of the advisory opinion requests 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 Commis-

sion. These comments should be directed to the Office of the General Counsel, Advisory Opinion Section, at the Commission. Persons requiring additional time in which to respond to any advisory opinion requests will normally be granted such time upon written request to the Commission. All timely comments received by the Commission will be considered before the Commission issues an advisory opinion. Comments on pending requests should refer to the specific AOR number of the requests and statutory references should be to the United States Code citations rather than to the public law citations.

A descriptive listing of each of the requests recently made public as well as the identification of the requesting party follows hereafter:

AOR 1977-18: May the political committee of an unincorporated trade association having members which are corporations solicit individual directors of the trade association (who are also executive or administrative

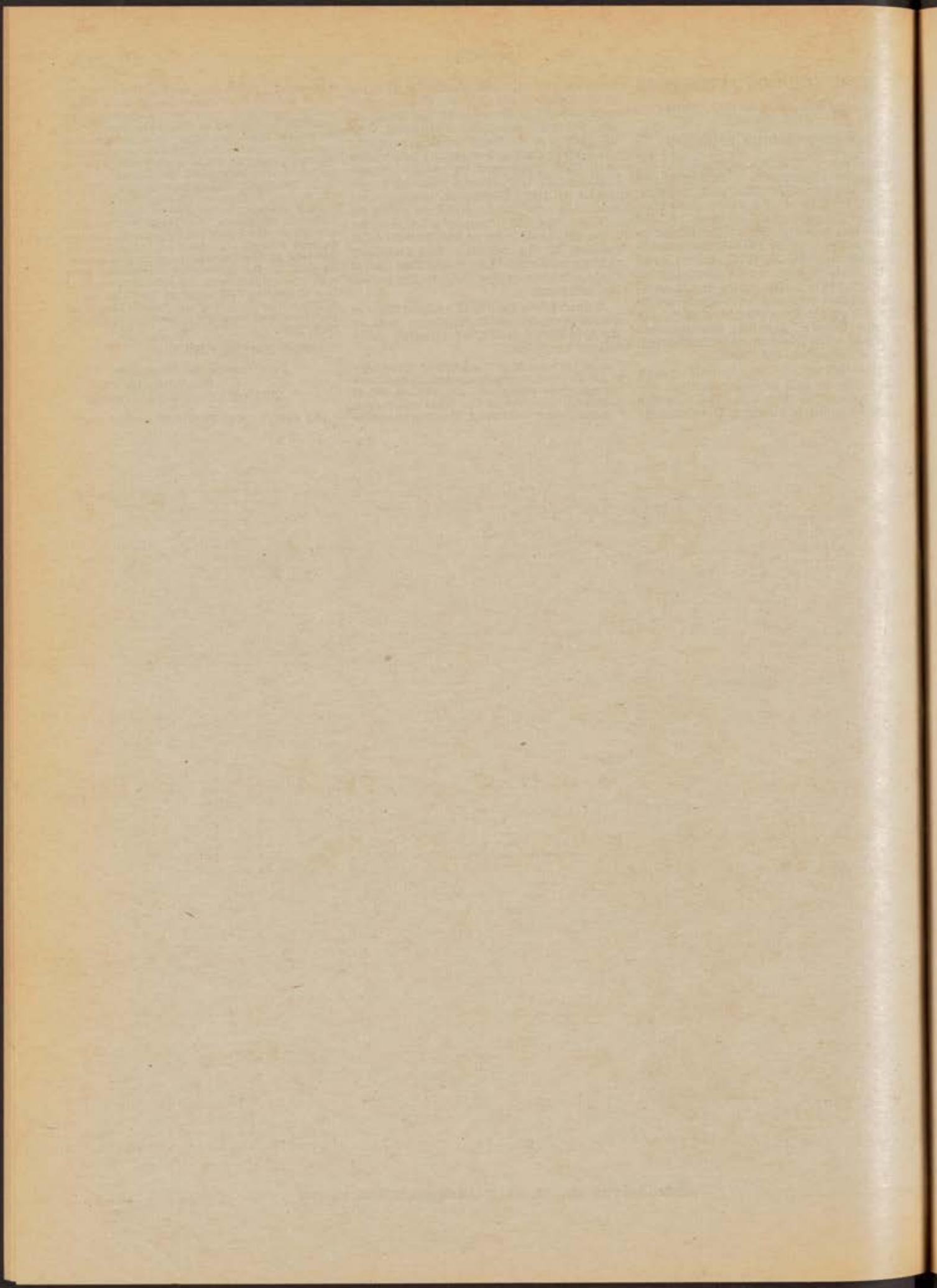
personnel of member corporations of the trade association) even though some member corporations have not authorized the political committee of the trade association to solicit their executive or administrative personnel; would the question be answered differently if the trade association were to incorporate?—Requested by Daniel J. Manelli, Treasurer, Proprietary Industry Political Action Committee, Washington, D.C.

AOR 1977-19: Is the Texaco Employees Political Involvement Committee required to expend its own funds to pay taxes on interest income earned on voluntary contributions received by the Committee or may the taxes be paid by the sponsoring corporation as a cost of establishment and administration of the Committee?—Requested by Ellen Egan O'Connell on behalf of the Texaco Employees Political Involvement Committee, New York, New York.

Dated: April 21, 1977.

VERNON W. THOMSON,
*Chairman for the
Federal Election Commission.*

[FR Doc.77-12022 Filed 4-26-77;8:45 am]



register
paper
federal

WEDNESDAY, APRIL 27, 1977

PART IV



DEPARTMENT OF
STATE



FISHERY CONSERVATION
AND MANAGEMENT ACT

Applications for Permits To Fish Off
the Coasts of the U.S.

DEPARTMENT OF STATE

[Public Notice 535]

FISHERY CONSERVATION AND MANAGEMENT ACT OF 1976

Applications for Permits To Fish Off the Coasts of the United States

The Fishery Conservation and Management Act of 1976 (Pub. L. 94-265) (the "Act") provides that no fishing shall be conducted by foreign fishing vessels in the Fishery Conservation Zone of the United States after February 28, 1977, except in accordance with a valid and applicable permit issued pursuant to Section 204 of the Act.

The Act also requires that all applications for such permits be published in the FEDERAL REGISTER.

Additional Applications for fishing beginning March 1, 1977, have been received from the Government of Korea, and are published herewith.

Dated: April 19, 1977.

ALBERT L. ZUCCA,
Director, Office of Fisheries Affairs.

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

Permit Period Applied For: 1977 Application No. **KS-77-0074**
For Use of Issuing Office
REPUBLIC OF KOREA

State: _____

1. Name of Vessel NO.5 OKIL NO SAN HO

2. Vessel No./ Hull No. NR 795 Registration No. NR 10017

3. Name and Address of Owner KOREA WONYANG FISHERIES CO., LTD.
Name KOREA WONYANG FISHERIES CO., LTD.
Address #175-87, ANKOH-DONG,
CHONGRO-KU, SEOUL, KOREA
Cable Address KORPATINA
P.O. BOX 6581

4. Name and Address of Charterer _____

5. Type of Vessel TRANSPORT

6. Tonnage (Gross) 1,551.00 (Net) 880.13

7. Length 83.15 M. B. Breadth 12.60 M. D. Draft 5.30 M.

8. Horsepower 2,600 shp. 11. Maximum Speed 16.5 kt.

9. Propulsion: Diesel (X), Steam (), Diesel/Electric (),
Other _____

10. Date Built 1970, 10

11. Number and Nationality of Personnel 33 P. Korea
Officers 10 Crew 23 Other (Specify) _____

12. Communications: VHF-FM (), AM/SSB, Voice (X), Telegraphy ()
Other TRANSMITTER

International Radio Call Sign A L Z U

Radio Frequencies Monitored 22235, 22240, 22287.5

Other Working Frequencies _____

Schedule 15:00, 03:00

16. Navigation Equipment: Loran C (), Loran A (X), Omega (),
Decca (), Navsat (), Radar (X), Fathometer (),
Other DIRECTION FINDER, SONAR SOUND

17. Cargo Capacity (MT)

	Subtotal	Net
Salted Fish	---	Freezer
Fresh Fish	---	Dry Hold 2,520.00 ³
Frozen Fish	1,300M/T	Tanks F.O 716.00 ³
Fish Meal	---	L.O 15.30 ³
Other	---	F.W 143.00 ³

18. Processing Equipment (Indicate daily capacity, MT)

20. Fisheries for which Permit is Requested:
Ocean Area Permit Season Continued Gear to be Used
(From-To) (GALN (MT))

BERING, ALUTSIANS APR. 25, 1977 PERMITTED DEBRICK
AND ALASKA OCT. 31, 1977

21. Name and Address of Agent appointed to receive any legal process issued in the United States:
FISHERIES ATTACHE EMBASSY OF REPUBLIC OF KOREA
WASHINGTON, D.C.

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

Permit Period Applied For: 1977 Application No. **KS-77-0075**
For Use of Issuing Office
Republic of Korea

State: _____

1. Name of Vessel NO.5 OKIL NO SAN HO

2. Vessel No./ Hull No. SR 108 Registration No. SR 9139

3. Name and Address of Owner KOREA WONYANG FISHERIES CO., LTD.
Name KOREA WONYANG FISHERIES CO., LTD.
Address #175-87, ANKOH-DONG,
CHONGRO-KU, SEOUL, KOREA
Cable Address KORPATINA
P.O. BOX 6581

4. Name and Address of Charterer _____

5. Type of Vessel TRANSPORT

6. Tonnage (Gross) 1,551.00 (Net) 880.36

7. Length 83.15 M. B. Breadth 12.60 M. D. Draft 5.30 M.

8. Horsepower 2,600 shp. 11. Maximum Speed 16.5 kt.

9. Propulsion: Diesel (X), Steam (), Diesel/Electric (),
Other _____

10. Date Built 1971, 4

11. Number and Nationality of Personnel 35 P. Korea
Officers 10 Crew 25 Other (Specify) _____

12. Communications: VHF-FM (), AM/SSB, Voice (X), Telegraphy ()
Other TRANSMITTER

International Radio Call Sign G. L. S. B

Radio Frequencies Monitored 22235, 22240, 22287.5

Other Working Frequencies _____

Schedule 15:00, 03:00

16. Navigation Equipment: Loran C (X), Loran A (X), Omega (),
Decca (), Navsat (), Radar (X), Fathometer (),
Other DIRECTION FINDER, SONAR SOUND

17. Cargo Capacity (MT)

	Subtotal	Net
Salted Fish	---	Freezer
Fresh Fish	---	Dry Hold 2,520.00 ³
Frozen Fish	1,300M/T	Tanks F.O 716.00 ³
Fish Meal	---	L.O 15.30 ³
Other	---	F.W 143.00 ³

18. Processing Equipment (Indicate daily capacity, MT)

20. Fisheries for which Permit is Requested:
Ocean Area Permit Season Continued Gear to be Used
(From-To) (GALN (MT))

BERING, ALUTSIANS MAY 27, 1977 PERMITTED DEBRICK
AND ALASKA OCT. 31, 1977

21. Name and Address of Agent appointed to receive any legal process issued in the United States:
FISHERIES ATTACHE EMBASSY OF REPUBLIC OF KOREA
WASHINGTON, D.C.

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

Permit Period _____ Application No. KS-77-00
 Applied For: 1977 For Use of Issuing Office _____
 State: Republic of Korea

1. Name of Vessel No. 6 ONIL NO SAR NO
 2. Vessel No.: Hull No. 4-360 Registration No. RF38108

3. Name and Address of Owner Name and Address of Charterer:
 Name KORNA MONTANO FISHERIES CO., LTD.
 Address #175-87, Ankw-Gong,
Chongro-Ro, Seoul, Korea
 Cable Address KONMNTA
P.O. BOX 6581

4. Homeport and State of Registry: Duam, Republic of Korea
 5. Type of Vessel TRANSPORT
 6. Tonnage (Gross) 1,856.97 (Net) 1,000.14
 7. Length 80.00 M. S. Breadth 12.70 M. P. Draft 3.00 M.
 8. Maxspeed 2,800 whp. 11. Maxturn Speed 14 kt.
 9. Propulsion: Diesel (X), Steam (), Diesel/Electric (),
 Other _____
 10. Date Built 1966. 11
 11. Number and Nationality of Personnel 29 P. Korean
 Officers 10 Crew 19 Other (Specify) _____
 12. Communications: VHF-FM (X), AM/SSB, Voice (X), Telegraphy (),
 Other TRANSMITTER
 International Radio Call Sign G, M.K.Q
 Radio Frequencies Monitored 22235, 22340, 22287.5
 Other Working Frequencies _____
 Schedule 15:00 , 03:00

16. Navigation Equipment: Loran C (X), Loran A (X), Omega (),
 Boco (), Navstar (), Radar (), Fathometer (),
 Other DIRECTION FINDER, BICO SOUND

17. Cargo Capacity (MT) 18. Cargo Space
 Number _____ _____ _____ _____
 Salted Fish --- Freezer
 Fresh Fish --- Dry Hold 3,510³
 Frozen Fish 1,800/7 Tanks F.O 677.87³
L.O 18.87³
 Fish Meal --- Other F.W 156.81³
 Other ---

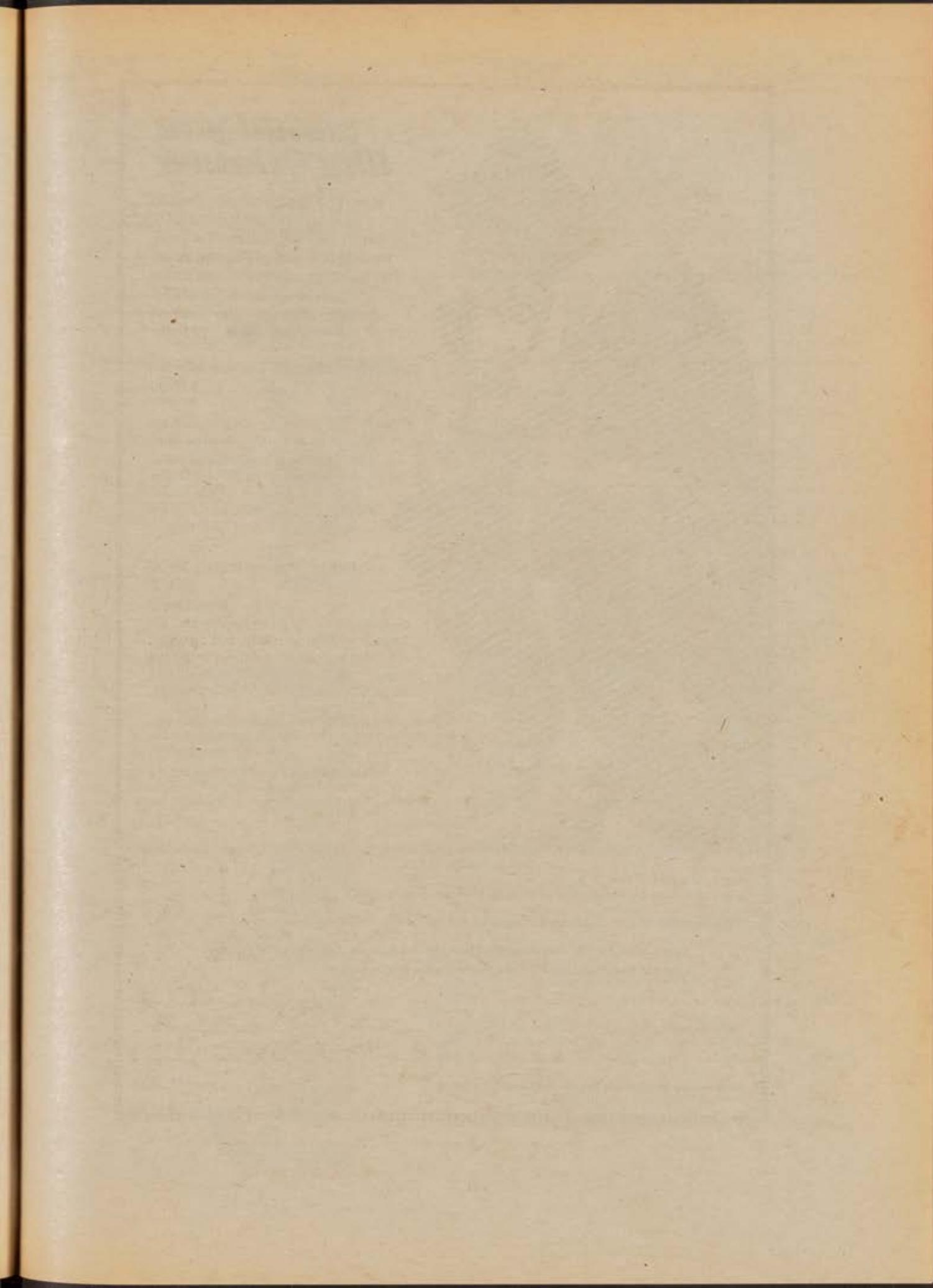
19. Processing Equipment (Indicate daily capacity, MT)

20. Fisheries for which Permit is Requested:

Ocean Area	Period	Species	Contemplated	Gear to be Used
(From-To)	(From-To)		Catch (MT)	
WILDC, ALASKA	APR. 30, '77	PERMITTED		DRIFNET
AND ALASKA	DEC. 31, '77			

21. Name and Address of Agent appointed to receive any legal process issued in the United States:
FISHERIES ATTACHE EMBASSY OF REPUBLIC OF KOREA
WASHINGTON, D.C.

[FR Doc.77-11995 Filed 4-26-77; 8:45 am]





would you like to know

if any changes have been made in certain titles of the CODE OF FEDERAL REGULATIONS without reading the Federal Register every day? If so, you may wish to subscribe to the "Cumulative List of CFR Sections Affected," the "Federal Register Index," or both.

Cumulative List of CFR Sections Affected
\$10.00
per year

The "Cumulative List of CFR Sections Affected" is designed to lead users of the Code of Federal Regulations to amendatory actions published in the Federal Register, and is issued monthly in cumulative form. Entries indicate the nature of the changes.

Federal Register Index **\$8.00**
per year

Indexes covering the contents of the daily Federal Register are issued monthly, quarterly, and annually. Entries are carried primarily under the names of the issuing agencies. Significant subjects are carried as cross-references.

A finding aid is included in each publication which lists Federal Register page numbers with the date of publication in the Federal Register.

Note to FR Subscribers: FR indexes and the "Cumulative List of CFR Sections Affected" will continue to be mailed free of charge to regular FR subscribers.

Mail order form to:
Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402

There is enclosed \$ _____ for _____ subscription(s) to the publications checked below:

..... CUMULATIVE LIST OF CFR SECTIONS AFFECTED (\$10.00 a year domestic; \$12.50 foreign)

..... FEDERAL REGISTER INDEX (\$8.00 a year domestic; \$10.00 foreign)

Name _____

Street Address _____

City _____ State _____ ZIP _____

Make check payable to the Superintendent of Documents

☆ GPO: 1975-O-58-000